

# Alaska State Legislature

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### SECTIONAL

#### SB 179 Viable Child Protection Act

**Sec. 1** Amends AS 18.16.010(a), **Abortions**, to include reference to an exception to abortions in subsection (k) for the abortion of a viable baby only in the case of rape, incest or when medically necessary.

Adds a provision that provides an abortion may be performed only when in the clinical judgment of the physician performing or inducing the abortion determines the unborn child is not viable outside the pregnant woman's womb at the time the procedure is performed.

**Sec. 2.** Allows the physician to perform or induce an abortion when the child is viable only in the cases of incest, rape, or the abortion is medically necessary. Subsection (k).

Requires the physician to use the method of terminating the pregnancy that best provides for the unborn child to survive outside the woman's womb.

Requires any health practitioner present at the procedure to exercise the same degree of professional practice and diligence to preserve the life of the viable child born as a child born alive during the course of a natural birth.

Provides definitions for "alive", "clinical judgment", "fertilization", "fetal age", "knowingly", "medically necessary", "serious risk to the life or physical health", and "viable".

**Sec. 3.** When a child is removed alive, the parents may surrender the child to a physician or employee of the hospital and will be immune from prosecution under the safe surrender provisions of AS 11.81.500. The person receiving physical custody of the child will notify Office of Child's Services that he or she has physical custody of a child in need of aid (CINA).

**Sec. 4.** Amends the CINA provision to include as a child in need of aid a child removed from the mother's womb alive during an abortion and a parent is unwilling or unable to care for the infant.

**Sec. 5.** Repeals AS 18.16.010(g)(1), "clinical judgment. This language is moved to **Sec. 2**, so the definition applies to all of 18.16.010 (page 3, line 7).

Also repeals AS 18.16.050, which is a statute that was ruled unconstitutional by the Alaska Supreme Court.

**Sec. 6.** Applies to abortions performed or induced on or after the effective date of the Act.