

CS FOR HOUSE BILL NO. 64(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

**Sponsor(s): REPRESENTATIVES TOMASZEWSKI, Johnson, Schwanke, Prax, Vance, Underwood, Costello,
Kopp, Allard**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to confidential labor and delivery; relating to birth certificates;**
2 **relating to the surrender of infants; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 18.20 is amended by adding a new section to read:

5 **Article 6. Confidential Labor and Delivery.**

6 **Sec. 18.20.600. Confidential labor and delivery.** (a) A birthing center or
7 hospital that provides maternity services shall allow an individual in labor to receive
8 labor and delivery services without providing the individual's legal name or
9 identifying information upon the request of the individual. An individual who requests
10 confidentiality under this section shall select an assumed name, which shall be used to
11 identify the individual and refer to the individual verbally, as well as on the
12 individual's medical records, during the time the individual receives labor and delivery
13 services. A birthing center or hospital may not attempt to identify an individual giving
14 birth confidentially under this section except to collect health insurance information.

1 Upon discharging an individual who has given birth confidentially, the birthing center
2 or hospital may not allow another person to access the labor and delivery records of
3 the individual without the individual's consent. A birthing center or hospital may save
4 the labor and delivery records under the individual's legal name after the individual is
5 discharged if the individual provides the individual's name and consents. The
6 individual's legal name may not be recorded on the health records of the infant without
7 the individual's consent.

8 (b) A birthing center or hospital providing confidential labor and delivery
9 services to an individual shall ensure that the individual receives

10 (1) medical care that is centered on providing the individual with
11 emotional and physical safety in a collaborative and empowering environment;

12 (2) crisis counseling that includes

13 (A) providing the individual with written information
14 developed by the Department of Health under AS 44.29.020(e);

15 (B) informing the individual that the individual may provide
16 family health history, which the birthing center or hospital shall enter into the
17 infant's medical records;

18 (C) explaining to the individual that the individual's identity
19 will not be entered into the infant's medical record without the individual's
20 consent and that choosing confidential labor and delivery services does not
21 require the individual to relinquish parental rights to the infant.

22 (c) If an individual who has requested to receive confidential labor and
23 delivery services under this section elects to share identifying information for the
24 purposes of health insurance, the birthing center or hospital shall safeguard the
25 individual's identity and store it separately from the individual's medical records. The
26 birthing center or hospital shall inform the individual that billing the individual's
27 health insurance may result in an explanation of benefits statement being sent to the
28 insurance policyholder. Upon the request of the individual who receives the
29 confidential labor and delivery services under (a) of this section, the insurer shall mail
30 an explanation of benefits related to the services either directly to the individual who
31 has received the services at an address provided by the individual or to the birthing

1 center or hospital in care of a social worker or patient advocate. Insurance records
2 related to the services received under (a) of this section are confidential to everyone
3 except for the individual who has received the services unless the individual gives
4 consent to share the records.

5 * **Sec. 2.** AS 18.50.160 is amended by adding a new subsection to read:

6 (i) The name of an individual who gives birth confidentially as provided in
7 AS 18.20.600 and who surrenders the infant as provided in AS 47.10.013(c) may not
8 be entered on the certificate of birth.

9 * **Sec. 3.** AS 25.20.025(a) is amended to read:

10 (a) Except as prohibited under AS 18.16.010(a)(3),

11 (1) a minor who is living apart from the minor's parents or legal
12 guardian and who is managing the minor's own financial affairs, regardless of the
13 source or extent of income, may give consent for medical and dental services for the
14 minor;

15 (2) a minor may give consent for medical and dental services if the
16 parent or legal guardian of the minor cannot be contacted or, if contacted, is unwilling
17 either to grant or withhold consent; however, where the parent or legal guardian
18 cannot be contacted or, if contacted, is unwilling either to grant or to withhold consent,
19 the provider of medical or dental services shall counsel the minor keeping in mind not
20 only the valid interests of the minor but also the valid interests of the parent or
21 guardian and the family unit as best the provider presumes them;

22 (3) a minor who is the parent of a child may give consent to medical
23 and dental services for the minor or the child;

24 (4) a minor may give consent for diagnosis, prevention, or treatment of
25 pregnancy, **including for confidential labor and delivery services provided under**
26 **AS 18.20.600,** and for diagnosis and treatment of venereal disease;

27 (5) the parent or guardian of the minor is relieved of all financial
28 obligation to the provider of the service under this section.

29 * **Sec. 4.** AS 44.29.020 is amended by adding a new subsection to read:

30 (e) The Department of Health shall make available to the public on the
31 department's Internet website information regarding how to request confidential labor

1 and delivery services as provided in AS 18.20.600 and shall develop written materials
 2 for distribution to an individual who requests to give birth confidentially as provided
 3 in AS 18.20.600. The materials must explain, and clearly highlight the differences
 4 among, the options available to the individual regarding who will raise the infant,
 5 including retaining care, temporary guardianship, kinship care, open and closed
 6 adoptions, foster care, and surrendering the infant as provided in AS 47.10.013(c), and
 7 must provide referral information for each option, including resources that may be
 8 available to assist the individual if the individual chooses to raise the infant.

9 * **Sec. 5.** AS 47.10.013(c) is amended to read:

10 (c) A parent who is immune from prosecution under AS 11.81.500 and
 11 chooses to surrender an infant shall surrender the infant in the manner described in this
 12 subsection. Surrendering the infant in the manner described in this subsection
 13 constitutes abandonment for purposes of this chapter. An infant's parent is considered
 14 to have abandoned the infant safely, and, notwithstanding AS 25.20.030 and
 15 AS 47.10.120, the parent's legal duty to support the infant is extinguished if

16 (1) the parent, without expressing an intent to return for the infant,
 17 leaves the infant

18 **(A)** in the physical custody of a person who

19 **(i)** [IS A (A) PERSON] the parent reasonably believes
 20 would provide for the health and safety of the infant and who would act
 21 appropriately to care for the infant;

22 **(ii)** **is a** [(B)] peace officer, community health aide,
 23 physician, or hospital employee; or

24 **(iii)** [(C) PERSON WHO] is employed by or is a
 25 volunteer for a fire department or emergency medical service, if the
 26 person is acting within the scope of the person's fire department or
 27 emergency medical service duties; **or**

28 **(B) in an infant safety device that**

29 **(i) is physically affixed to an exterior wall or located**
 30 **inside of a hospital, emergency department, freestanding birth**
 31 **center as defined in AS 47.32.900, office of a private physician**

1 whether in individual or group practice, rural health clinic as
 2 defined in AS 47.32.900, municipal police department, state trooper
 3 post, fire department, or other facility designated by the
 4 commissioner as an appropriate location for an infant safety device
 5 under regulations adopted by the commissioner; and

6 (ii) meets the requirements of (h) of this section; and

7 (2) there is no evidence the infant has been physically injured before
 8 abandonment.

9 * **Sec. 6.** AS 47.10.013(d) is amended to read:

10 (d) A person to whom an infant is surrendered in the manner described in
 11 (c)(1)(A)(ii) or (iii) [(c)(1)(B) OR (C)] of this section shall

12 (1) act appropriately to care for the infant;

13 (2) inform the parent that the parent may, but is not required to, answer
 14 any questions regarding the name, identity, and medical history of the infant and
 15 parents of the infant unless the parent chooses to contact the department under (3) of
 16 this subsection;

17 (3) ask the parent if the parent wishes to relinquish the parent's
 18 parental rights and release the infant for adoption; if the answer is affirmative, the
 19 person shall contact the department so that the parent can discuss that option with the
 20 department;

21 (4) immediately notify the nearest office of the department that the
 22 infant has been surrendered in the manner described in (c)(1)(A)(ii) or (iii) [(c)] of this
 23 section.

24 * **Sec. 7.** AS 47.10.013(e) is amended to read:

25 (e) An individual, agency, designated facility, or entity that receives an infant
 26 abandoned safely under (c) of this section is not liable for civil damages for failure to
 27 discharge the duties listed in (d) of this section.

28 * **Sec. 8.** AS 47.10.013 is amended by adding new subsections to read:

29 (g) A designated facility that receives an infant surrendered under (c)(1)(B) of
 30 this section shall immediately notify the nearest office of the department that the infant
 31 has been surrendered under (c)(1)(B) of this section.

1 (h) An infant safety device must be

2 (1) located in an area that is conspicuous and visible to employees of a
3 designated facility;

4 (2) climate-controlled;

5 (3) clearly marked with appropriate signage, as determined by the
6 department; and

7 (4) equipped with

8 (A) a system that automatically transmits a request to the 911
9 emergency system for the immediate dispatch of an emergency medical
10 services provider to the location of the infant safety device when the infant
11 safety device is opened;

12 (B) a video surveillance system that allows employees of the
13 designated facility to monitor the interior of the infant safety device 24 hours a
14 day; and

15 (C) an automated lock that secures the infant inside the infant
16 safety device after deposit.

17 (i) The department may provide training to emergency medical service
18 providers, 911 operators, hospital staff, firefighters, law enforcement officers, and
19 employees of a designated facility in how to implement and comply with the
20 requirements for the surrender of an infant as described in this section.

21 (j) In this section, "designated facility" means a facility described in
22 (c)(1)(B)(i) of this section that has an infant safety device located at the facility.

23 * **Sec. 9.** This Act takes effect July 1, 2026.