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**CS FOR HOUSE BILL NO. 363( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act prohibiting the use of public funds for abortion."**

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

**\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SHORT TITLE. This Act may be known as the Abortion Subsidy Prohibition Act.

**\* Sec. 2.** AS 18.16 is amended by adding a new section to read:

**Article 2. Prohibition on Using Public Funds or Facilities for Abortions.**

**Sec. 18.16.200. Comprehensive prohibition on the use of public funds and public facilities for abortion.** (a) Notwithstanding another provision of law and except as provided in (g) of this section, public funds made available to an institution, board, commission, department, agency, official, or employee of the state or a political subdivision of the state, whether the funds are made available by the United States government, the state, or a political subdivision of the state, or from another public entity, including money paid by a university student as part of the tuition or fees paid to the University of Alaska, may not be used to assist in or provide facilities for an

1 abortion or for training to perform an abortion.

2 (b) A person employed by the state or an agency or political subdivision of the  
3 state may not, within the scope of the person's state employment, perform or assist in  
4 performing an elective abortion.

5 (c) A fund or committee authorized by law for the special protection of  
6 women or children may not use or distribute public funds for the payment of elective  
7 abortions, abortion referrals, abortion counseling, or another abortion-related service.

8 (d) An organization that receives funds authorized or appropriated by the state  
9 may not use those funds to perform or promote elective abortions, to provide  
10 counseling in favor of abortion, or to make referrals for abortions.

11 (e) A public institution, public facility, public equipment, or other physical  
12 asset owned, leased, or controlled by the state or any agency or political subdivision of  
13 the state may not be used for the purpose of performing or assisting in performing an  
14 elective abortion.

15 (f) The state may not lease, sell, or allow to be sublet to a physician or health  
16 facility a public institution, facility, or other property for use in the provision,  
17 inducement, or performance of elective abortions.

18 (g) The limitations in (a) - (f) of this section do not apply to an abortion  
19 performed

20 (1) when the abortion is medically necessary, as determined by a  
21 licensed physician in the state; or

22 (2) when the pregnancy is the result of an act of rape or incest.

23 (h) Nothing in this section shall be construed as creating or recognizing a right  
24 to abortion or a right to federal or state funds for family planning services.

25 (i) In this section,

26 (1) "elective abortion" means an abortion that is not medically  
27 necessary or that is performed or requested for the sole purpose of accommodating a  
28 pregnant woman's mental or psychological health, financial status, or current or future  
29 education or employment opportunities;

30 (2) "medically necessary" means that a physician has formed an  
31 objective and reasonable clinical judgment that an abortion is required to avoid a

1 threat of serious risk to the life or of a substantial and irreversible impairment of a  
2 major bodily function caused by the continuation of a pregnancy; in this paragraph,  
3 "impairment of a major bodily function" means a physiologic condition that is  
4 aggravated by pregnancy and includes diabetes, kidney failure, blindness,  
5 preeclampsia, eclampsia, convulsions, renal disease, sickle cell anemia, pneumonia,  
6 congestive heart failure, embolism, epilepsy, bipolar disorder that requires medication,  
7 and other similar conditions;

8 (3) "public facility" means a capital improvement owned, operated, or  
9 occupied by the state, a public corporation of the state, the University of Alaska, a  
10 political subdivision of the state, or a regional educational attendance area.

11 \* **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to  
12 read:

13 SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the application  
14 of it to any person or circumstance, is held invalid, the remainder of this Act and the  
15 application to other persons or circumstances are not affected.

16 \* **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to  
17 read:

18 REVISOR'S INSTRUCTION. The revisor of statutes is requested to renumber  
19 AS 18.16.090 as AS 18.16.500.