

# ALASKA STATE SENATE

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SENATOR JOHN COGHILL

## SPONSOR STATEMENT

**SSSB 49 am: "An Act relating to women's health services and defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program."**

Sponsor Substitute to Senate Bill 49 ("SSSB 49") Sections 1 and 3 direct the department to establish a program for women's health for the purpose of providing family planning services, health screening examinations, and related services.

Sections 1 and 3 were submitted by Senator Gardner on the Senator Floor and received little to no analysis in committee. In contrast, Section 2 has gone through extensive review in the Senate Judiciary Committee and Senate Finance Committee.

Section 2 specifically brings clarity to the term "medically necessary abortion" for the purposes of making payments under Medicaid.

In 2001, the Alaska Supreme Court determined the state must pay for medically necessary abortions for participants in the Medicaid program.<sup>1</sup> Since 2001, the term "medically necessary abortion" has acquired a constitutional component of unknown scope. The relatively few Alaska cases involving abortion rights do not provide guidance as to how broadly the term "medically necessary abortion" is to be construed.

SSSB 49 answers that question. SSSB 49, based on recommendations and expert testimony from medical professionals, satisfies equal protection arguments by reasonably providing a definition for a "medically necessary abortion" based on neutral criteria directly related to the health care program (as it was required to do pursuant to the 2001 *Planned Parenthood* decision).

Please join Senator Coghill in supporting SSSB 49.

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<sup>1</sup> See *State, Department of Health and Social Services v. Planned Parenthood of Alaska*, 28 P.3d 904 (Alaska 2001).