

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 49

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATORS COGHILL, Olson, Kelly, Dyson, Micciche, Dunleavy, Giessel

Introduced: 2/15/13

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act defining 'medically necessary abortion' for purposes of making payments**
2 **under the state Medicaid program."**

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

4 * **Section 1.** AS 47.07 is amended by adding a new section to read:

5 **Sec. 47.07.068. Payment for abortions.** (a) The department may not pay for
6 abortion services under this chapter unless the abortion services are for a medically
7 necessary abortion or the pregnancy was the result of rape or incest. Payment may not
8 be made for an elective abortion.

9 (b) In this section,

10 (1) "abortion" has the meaning given in AS 18.16.090;

11 (2) "elective abortion" means an abortion that is not a medically
12 necessary abortion;

13 (3) "medically necessary abortion" means that, in a physician's
14 objective and reasonable professional judgment after considering medically relevant

factors, an abortion must be performed to avoid a threat of serious risk to the life or physical health of a woman from continuation of the woman's pregnancy;

(4) "serious risk to the life or physical health" includes, but is not limited to, a serious risk to the pregnant woman of

(A) death; or

(B) impairment of a major bodily function because of

(i) diabetes with acute metabolic derangement or severe end organ damage;

(ii) renal disease that requires dialysis treatment;

(iii) severe pre-eclampsia;

(iv) eclampsia;

(v) convulsions;

(vi) status epilepticus;

(vii) sickle cell anemia;

(viii) severe congenital or acquired heart disease, class

IV;

(ix) pulmonary hypertension;

(x) malignancy if pregnancy would prevent or limit treatment;

(xi) kidney infection;

(xii) congestive heart failure;

(xiii) epilepsy;

(xiv) seizures;

(xv) coma;

(xvi) severe infection exacerbated by pregnancy;

(xvii) rupture of amniotic membranes;

(xviii) advanced cervical dilation of more than six centimeters at less than 22 weeks gestation;

(xix) cervical or cesarean section scar ectopic implantation;

(xx) any pregnancy not implanted in the uterine cavity;

- 1 (xxi) amniotic fluid embolus; or
- 2 (xxii) another physical disorder, physical injury, or
- 3 physical illness, including a life-endangering physical condition caused
- 4 by or arising from the pregnancy that places the woman in danger of
- 5 death or major bodily impairment if an abortion is not performed.