

# Alaska State Legislature

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**Senator Shelley Hughes**

Senate District F – Palmer, Chugiak, Mirror Lake, Peters Creek, Eklutna, Fairview Loop, Gateway, Butte, Lazy Mountain

## **SJR 13 Human Life Constitutional Amendment**

### **Sponsor Statement**

Senate Joint Resolution 13 proposes an amendment to the Alaska State Constitution, adding a new section that would provide clarity regarding Article 1 (specifically pertaining to the right to privacy and the right to equal protection) and Alaska's ability to set public policy related to abortion.

Although the U.S. Supreme Court declared in *Roe v. Wade* (1973), and reaffirmed in *Planned Parenthood v. Casey* (1992), that there is an alleged federal constitutional right to abortion, the federal courts have nonetheless held that states can still legislate related issues in a number of ways – e.g., by banning the use of public funds for abortions, requiring a parent to consent before abortion can be performed on a minor, and even disallowing certain abortion procedures (such as partial-birth abortion or late term abortion).

In Minnesota, both parents must be informed before a minor can have an abortion. In Illinois, one parent must be informed. There are 37 states that have laws requiring parental notification, and 21 requiring actual parental consent; additionally, 21 states have laws in effect that prohibit "partial birth" abortion, and 3 have laws that apply to post-viability (ability to survive outside of the uterus) abortions. In Alaska, we are unable to have any provisions in law related to these matters unless we fix our constitution.

In the past, the State of Alaska has brought forward similar legislation and ballot initiatives passed in other states that have been struck down by the Alaska Supreme Court. Laws that have gone through their due process but have been overturned at the bench have been subject to a series of decisions asserting the existence of a state constitutional right to abortion that protects abortion "more broadly" than does the U.S. Constitution. As a result, numerous laws regarding abortion that would be completely permissible under the federal constitution and exist in other states have been struck down by the Alaska courts. SJR13 would allow Alaska to be on par with other states. It would permit the decisions that Alaskans make to stand, for example regarding parents of minors, unborn babies, and public funding for abortion.

Even though the sponsor of this legislation wants our most vulnerable (unborn babies) protected, and at birth these precious children cared for and cherished by loving parents and families; and even though the sponsor of this legislation believes that one day Americans will look back on abortion like we do slavery: a barbaric act that has no place in a civil society; this constitutional amendment will simply allow Alaskans to decide what kind of policy we want in regard to abortion in our state.

Staff contact: Lisa Hart, (907) 465-1172

**SENATE JOINT RESOLUTION NO. 13**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**THIRTY-FIRST LEGISLATURE - SECOND SESSION**

**BY SENATOR HUGHES**

**Introduced: 1/21/20**

**Referred: Health and Social Services, Judiciary, Finance**

**A RESOLUTION**

1 **Proposing an amendment to the Constitution of the State of Alaska relating to abortion.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** Article I, Constitution of the State of Alaska, is amended by adding a new  
4 section to read:

5 **Section 26. Abortion.** To protect human life, nothing in this constitution may  
6 be construed to secure or protect a right to an abortion or require the State to fund an  
7 abortion.

8 \* **Sec. 2.** The amendment proposed by this resolution shall be placed before the voters of the  
9 state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State  
10 of Alaska, and the election laws of the state.

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## **SJR 13 Abortion Amendment**

### **Sectional Analysis**

*“Proposing an amendment to the Constitution of the State of Alaska relating to abortion.”*

#### **Section 1 – Article I, Constitution of the State of Alaska, Page 1, Lines 3-7**

Amends the Constitution of the State of Alaska by adding a new section, **Section 26. Abortion.** The amendment states that in order to protect human life, nothing in this constitution may be construed to secure or protect a right to an abortion or require the State to fund an abortion.

#### **Section 2 – Article I, Constitution of the State of Alaska, Page 1, Lines 8-10**

Adds that the amendment proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

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<https://www.npr.org/sections/health-shots/2019/06/05/729753903/early-abortion-bans-which-states-have-passed-them>

# Early Abortion Bans: Which States Have Passed Them?

June 5, 2019 3:08 PM ET

By MARA GORDON and ALYSON HURT

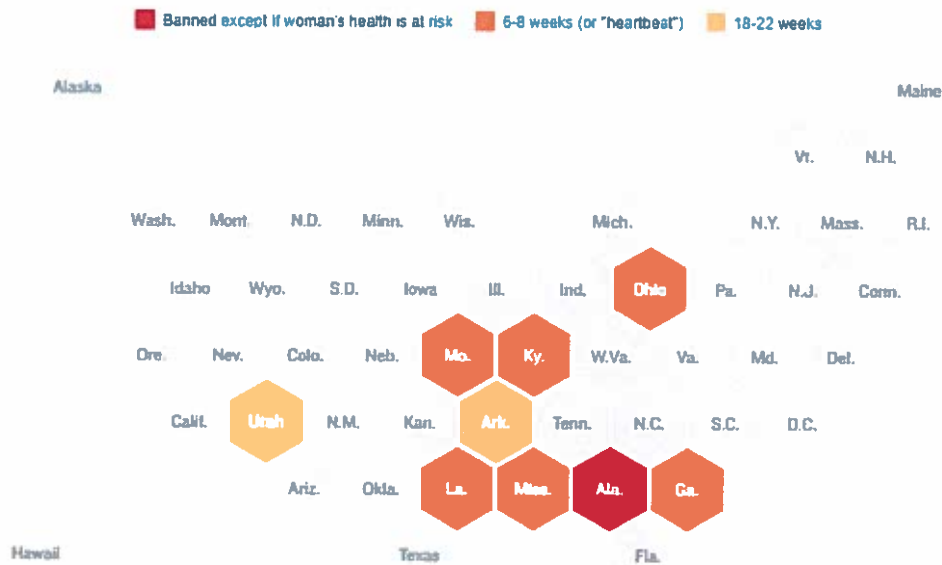
*This story was updated June 13.*

This year has brought an unprecedented wave of new state laws that only allow abortions to be performed early in pregnancy — if at all.

Most of the new laws — known as early abortion bans — explicitly outlaw abortion when performed after a certain point early in the pregnancy. The laws vary, with some forbidding abortion after six weeks of pregnancy, and some after eight weeks. Alabama's law is the most extreme: It aims to outlaw abortion at any point, except if the woman's health is at serious risk. So far in 2019, nine U.S. states have passed laws of this type, and more states are considering similar legislation.

## Early Abortion Bans: Which States Have Passed Them?

So far in 2019, nine states have passed laws to outlaw abortion or forbid it past a certain point in pregnancy. None of these laws are in effect, and many are being litigated in the courts. Last updated on June 13.



Note: Pregnancy progress is measured from the first day of the patient's last menstrual period

Source: Guttmacher Institute, NPR research

Credit: Mara Gordon, Alyson Hurt and Carmel Wroth/NPR

None of the laws passed this year are actually in effect, either because they have a future enactment date or because judges have put them on hold in response to lawsuits, or both.

These new bans are a direct challenge to the precedent set by the 1973 Supreme Court ruling *Roe v. Wade*, which affirmed that a woman has a right to seek an abortion up until the point that the fetus

could be "viable" outside of the uterus. Viability must be determined on an [individual basis](#) but is generally between 24 and 28 weeks of pregnancy.

"We want to stop abortion of unborn children. And the only way we can do that is to go back and revisit the *Roe* decision," Eric Johnston, the president of the Alabama Pro-Life Coalition, [told](#) NPR's Ari Shapiro. Johnston helped write the Alabama law that outlaws almost all abortions.

"This law is, in effect, a vehicle to do that," he added.

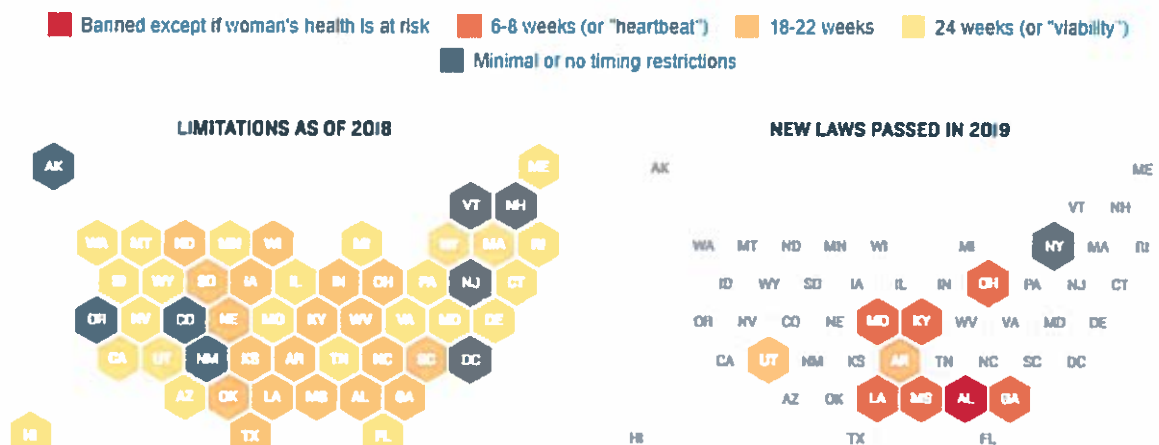
A few states already have existing laws that outlaw abortion earlier in pregnancy than the standard sent by *Roe*, banning the procedure as early as 18 or 20 weeks. When challenged, bans on abortion at this stage of pregnancy have consistently been struck down in court, [according to the Guttmacher Institute](#). But not all of those laws have been challenged in court, so they remain on the books. There is no state law currently in effect that bans abortion before 20 weeks.

Three states — New York, Vermont, and Illinois — have moved in the other direction. All three states passed laws this year that affirm the legal right to an abortion in each state, even if the Supreme Court overturns *Roe v. Wade*. Illinois is the most recent example, with its governor signing a bill on June 12 which states that "every individual has a fundamental right to make autonomous decisions about one's own reproductive health."

These early abortion bans differ from another common type of state regulation known as a TRAP law — for Targeted Regulation of Abortion Providers. TRAP laws place particular restrictions on the doctors or health clinics that provide abortions, and the Supreme Court has allowed some of these laws to go into effect, while striking down others.

## Where State Laws Currently Stand on Abortion Timing — And Where They're Headed

Many states have existing limitations on the point in pregnancy at which abortions can be performed. This year has seen a slew of new laws — not yet in effect — outlawing the procedure earlier in pregnancy. Last updated on June 13.



**Notes:**

- Pregnancy progress is measured from the first day of the patient's last menstrual period
- New York's new law maintains 24 weeks as the threshold of viability but it loosens restrictions on abortions past that point
- Vermont passed a law in 2019 guaranteeing the right to abortion in the state. The state does not have timing-based restrictions

Source: [Guttmacher Institute](#), [NPR](#) research  
Credit: Mara Gordon, Alyson Hurt and Carmel Wroth/NPR

Here's some details on the newest bans, by state.

**\*Important note:** Supporters of reproductive rights have filed multiple lawsuits against this type of law. None of these early abortion bans are currently in effect or are being enforced.

**Alabama** – No abortion after **0 weeks**. Allows exceptions if the woman's life is threatened. No exceptions for rape or incest.

**Arkansas** — No abortion after **18 weeks**. Allows exceptions for rape, incest or medical emergencies.

**Georgia** – No abortion after **6 weeks**. Allows exceptions if the woman's life is endangered, if the pregnancy is deemed "medically futile" and in cases of rape or incest if the woman files a police report.

**Kentucky** – No abortion after **6 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered.

**Louisiana** – No abortion after **6 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered or if the pregnancy is deemed "medically futile."

**Mississippi** – No abortion after **6 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered.

**Missouri** – No abortion after **8 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered.

**Ohio** – No abortion after **6 weeks**. No exceptions for rape or incest. Allows exceptions if the woman's life is endangered.

**Utah** – No abortion after **18 weeks**. Allows exceptions for rape or incest if the doctor performing the abortion verifies that the incident was reported to law enforcement. Allows exceptions if the woman's life is endangered.

*NPR's Carrie Feibel, Sarah McCammon and Carmel Wroth contributed to this report.*

## **Correction**

**June 6, 2019**

A previous version of this story incorrectly stated that Utah's new early-abortion ban makes no exceptions for rape or incest. In fact, the law does allow for such exceptions if the doctor performing the abortion verifies that the incident was reported to law enforcement.