

# LEGAL SERVICES

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## MEMORANDUM

March 28, 2024

**SUBJECT:** Coverage that burdens a person's religious practices  
(CSHB 17(HSS) am (efd fld); Work Order No. 33-LS0222\B.21)

**TO:** Representative Ashley Carrick  
Attn: Cherie Bowman

**FROM:** Megan A. Wallace  
Chief Counsel 

You asked whether the above-referenced amendment applies to all health care or just contraceptive coverage. The above-referenced amendment provides that "when enforcing state law concerning *a person's health care or health care insurance coverage* in a manner that burdens a person's religious practices, the state must demonstrate" a compelling government interest and that enforcement is the least restrictive means of furthering that interest.<sup>1</sup> Thus, the amendment applies to both health care *and* health care insurance coverage and not just contraception coverage.

Please note that the amendment appears to be overly broad and may be difficult for the state or division of insurance to implement. Ultimately, I am not certain how the amendment will function if it becomes law. For example, the amendment does not define or otherwise give guidance as to what it means to "burden a person's religious practices." The term "religious practices" is not defined in this section or elsewhere in the Alaska Statutes. Further, the term "health care" is not defined in this section.

Let me know if you have any questions.

MAW:mis  
24-179.mis

Attachment

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<sup>1</sup> See Work Order No. 33-LS0222\B.21 to CSHB 17(HSS) (adopted as Floor Amendment #12).