

HOUSE BILL NO. 234

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MARTIN, Green, Kohring, Kott, Dyson, Sanders, Kelly

Introduced: 4/4/97

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to assistance for abortions under the general relief program; and
2 relating to financial responsibility for the costs of abortions."

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

4 * **Section 1.** AS 25.20 is amended by adding a new section to read:

5 **Sec. 25.20.035. Financial responsibility for abortion costs.** Both persons
6 who would have been the parents of the child after its birth are liable for the medical
7 costs of an abortion of their unborn child.

8 * **Sec. 2.** AS 47.25.150 is amended by adding a new subsection to read:

9 (b) A woman who applies for assistance to cover the costs of an abortion shall,
10 as part of the application for assistance,

11 (1) be considered to have assigned to the state all rights to recovery of
12 the costs of the abortion from the unborn child's other parent; the assignment takes
13 effect upon a determination that the woman is eligible for assistance;

14 (2) name the other parent of the unborn child and agree to cooperate

1 with the department in establishing the identity and location of the unborn child's other
 2 parent, if necessary, unless the department determines that the woman has established
 3 good cause for not naming the other parent and for not cooperating in establishing the
 4 identity and location of the other parent; the department may not delay the provision
 5 of abortion services while it investigates the parentage of the unborn child.

6 * **Sec. 3.** AS 47.25.205 is amended to read:

7 **Sec. 47.25.205. Priority of general relief medical assistance.** If the
 8 department finds that the cost of medical assistance for all persons eligible under
 9 AS 47.25.120 - 47.25.300 will exceed the amount allocated in the state budget for that
 10 assistance for the fiscal year, the department shall eliminate coverage for medical
 11 services in the following order:

12 (1) **abortions and related services and supplies, such as medical**
 13 **supplies and equipment, transportation, laboratory and x-ray services, physician**
 14 **services, hospital services, and pharmaceuticals, used for an abortion;**

15 (2) treatment of speech, hearing, and language disorders;

16 (3) [(2)] optometrists' services and eyeglasses;

17 (4) [(3)] occupational therapy;

18 (5) [(4)] emergency dental services for adults;

19 (6) [(5)] prosthetic devices not including dentures;

20 (7) [(6)] medical supplies and equipment **other than those used to**
 21 **perform an abortion;**

22 (8) [(7)] physical therapy;

23 (9) [(8)] outpatient laboratory and outpatient x-ray services **other than**
 24 **those used for an abortion;**

25 (10) [(9)] ambulatory surgical center services **other than services to**
 26 **perform an abortion;**

27 (11) [(10)] nonemergency medical transportation **other than**
 28 **transportation to obtain an abortion;**

29 (12) [(11)] outpatient physician services **other than services to**
 30 **perform an abortion;**

31 (13) [(12)] outpatient hospital services **other than services to perform**

an abortion;**(14)** [(13)] intermediate care facility services;**(15)** [(14)] skilled nursing facility services;**(16)** [(15)] emergency medical transportation **other than transportation for an abortion;****(17)** [(16)] pharmaceuticals **other than those used in an abortion;****(18)** [(17)] inpatient physician services **other than services to perform an abortion;****(19)** [(18)] inpatient hospital services **other than services to perform****an abortion.**

* **Sec. 4.** AS 47.25.220 is amended to read:

Sec. 47.25.220. State's claim for assistance. The total amount paid in assistance to a recipient, **and any amount paid on behalf of a recipient for an abortion,** constitutes a claim against the recipient and the recipient's estate. **In addition to other assets or income available to satisfy a claim under this section, the permanent fund dividend of a recipient who received an abortion with funds provided under AS 47.25.120 - 47.25.300 may be taken under AS 43.23.065(b)(6).**

On the death of a person receiving assistance, the total amount paid as assistance shall be allowed by the court having jurisdiction over the estate.

* **Sec. 5.** AS 47.25.240 is amended to read:

Sec. 47.25.240. Action against person liable for care of recipient or for abortion costs. If, during the continuance of an allowance **or after the provision of abortion services with funds provided under AS 47.25.120 - 47.25.300,** the department ascertains that a person liable for the support of the recipient of assistance **or liable for the abortion costs, as applicable,** is able to provide the necessary care and support of the recipient **or to reimburse the state for the abortion costs,** and the person liable for the care and support of the recipient **or for the abortion costs** fails or refuses to support and care for the recipient **or fails or refuses to reimburse the state for the abortion costs, as applicable,** the state has a claim for the assistance against the person liable for it. This claim may be enforced by civil action brought in the name of the state by the attorney general against the person liable for the

1 recovery of the amount of money, with interest, paid to the recipient **or for the**
2 **abortion costs, as applicable**, together with the costs and disbursements of the action.

3 * **Sec. 6.** AS 47.25.240 is amended by adding a new subsection to read:

4 (b) In addition to other assets or income available to satisfy a judgment in a
5 civil action under this section, the permanent fund dividend of a person liable for
6 abortion costs may be taken under AS 43.23.065(b)6).

7 * **Sec. 7.** AS 47.25.300 is amended by adding a new paragraph to read:

8 (5) "abortion" means the use or prescription of an instrument, medicine,
9 drug, or other substance or device to terminate the pregnancy of a woman known to
10 be pregnant, except that "abortion" does not include the termination of a pregnancy if
11 done with the intent to

12 (A) save the life or preserve the health of the unborn child;

13 (B) deliver the unborn child prematurely to preserve the life of
14 the pregnant woman; or

15 (C) remove a dead unborn child.