

HOUSE BILL NO. 329

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES COGHILL, Kohring, Dyson, Ogan

Introduced: 2/2/00

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to unborn children and abortion."**

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

3 * **Section 1.** AS 18.05 is amended by adding a new section to read:

4 **Sec. 18.05.032. Information relating to unborn children and abortion.** (a)

5 The department shall obtain or prepare written information that

6 (1) contains geographically-indexed material designed to inform a
7 person of public and private agencies and services, including adoption agencies, that
8 are available to assist a woman through a pregnancy, at childbirth, and while the child
9 is dependent; the material must include a comprehensive list of the agencies, a
10 description of the services they offer, and the manner in which the agencies may be
11 contacted, including telephone numbers; in addition to this written material, the
12 department, through a toll-free 24-hour-a-day telephone number, may orally provide
13 a list and description of agencies that are in the locality of the caller;

14 (2) provides information on the availability of medical assistance
15 benefits for prenatal care, childbirth, and neonatal care;

1 (3) states that a person may not lawfully coerce a woman to undergo
2 an abortion;

3 (4) states that a physician who performs or induces an abortion on a
4 woman without obtaining the woman's informed consent may be liable to the woman
5 for damages in a civil action;

6 (5) states that the father of a child is liable to assist in the support of
7 the child even in instances where the father has offered to pay for an abortion, and that
8 the law permits adoptive parents to pay costs of prenatal care, childbirth, and neonatal
9 care;

10 (6) is designed to inform the woman of the probable anatomical and
11 physiological characteristics of the unborn child at two-week gestational increments
12 from fertilization to full term, including pictures or drawings representing the
13 development of unborn children at two-week gestational increments and relevant
14 information about the possibility of an unborn child's survival at the various
15 gestational ages; the pictures or drawings must contain the dimensions of the fetus and
16 shall be realistic and appropriate for the woman's stage of pregnancy; the information
17 must be objective, nonjudgmental, and designed to convey only accurate scientific
18 information about unborn children at various gestational ages;

19 (7) contains objective information that describes the methods of
20 abortion procedures and treatments commonly employed, the medical risks commonly
21 associated with each procedure and treatment, the possible detrimental psychological
22 effects of abortion, and the medical risks commonly associated with carrying an
23 unborn child to term.

24 (b) The information required under (a) of this section must be written in easily
25 comprehensible language and must be printed in a typeface that is large enough to be
26 clearly legible.

27 (c) The department shall make the information required under (a) of this
28 section available free of charge on request and in an appropriate volume to the
29 requestor.

30 (d) In this section,

31 (1) "conception" means the fusion of a human spermatozoan with a

1 human ovum;

2 (2) "fertilization" has the meaning given "conception";

3 (3) "gestational age" means the age of the unborn child as calculated
4 from the first day of the last menstrual period of the pregnant woman;

5 (4) "pregnant" or "pregnancy" means a female reproductive condition
6 of having a developing fetus in the body from the time of conception;

7 (5) "unborn child" means the offspring of human beings from
8 conception until birth.

9 * **Sec. 2.** AS 18.16.010(a) is amended to read:

10 (a) An abortion may not be performed in this state unless

11 (1) the abortion is performed by a physician or surgeon licensed by the
12 State Medical Board under AS 08.64.200;

13 (2) the abortion is performed in a hospital or other facility approved for
14 the purpose by the Department of Health and Social Services or a hospital operated by
15 the federal government or an agency of the federal government;

16 (3) before an abortion is knowingly performed or induced on an
17 unmarried, unemancipated woman under 17 years of age, consent has been given as
18 required under AS 18.16.020 or a court has authorized the minor to consent to the
19 abortion under AS 18.16.030 and the minor consents; for purposes of enforcing this
20 paragraph, there is a rebuttable presumption that a woman who is unmarried and under
21 17 years of age is unemancipated; [AND]

22 (4) the woman is domiciled or physically present in the state for 30
23 days before the abortion; **and**

24 **(5) the applicable requirements of AS 18.16.060 have been satisfied.**

25 * **Sec. 3.** AS 18.16.010 is amended by adding a new subsection to read:

26 (h) A person who performs or induces an abortion in violation of (a)(5) of this
27 section is civilly liable to the pregnant woman for compensatory and punitive damages.

28 * **Sec. 4.** AS 18.16 is amended by adding a new section to read:

29 **Sec. 18.16.060. Informed consent requirements.** (a) A person may not
30 knowingly perform or induce an abortion without the voluntary and informed consent
31 of the woman on whom the abortion is to be performed or induced.

1 (b) Consent to an abortion is voluntary and informed only if all of the
2 following are true:

3 (1) at least 24 hours before the abortion, the physician who is to
4 perform the abortion or the referring physician has orally informed the woman of

5 (A) the nature of the proposed procedure or treatment and of the
6 risks and alternatives to the procedure or treatment that a reasonable patient
7 would consider material to the decision of whether or not to undergo the
8 abortion;

9 (B) the probable gestational age of the unborn child at the time
10 the abortion is to be performed; and

11 (C) the medical risks associated with carrying the unborn child
12 to term;

13 (2) at least 24 hours before the abortion, the physician who is to
14 perform the abortion, the referring physician, or a person to whom the responsibility
15 has been delegated by either physician has informed the woman that

16 (A) the Department of Health and Social Services provides
17 written information that describes unborn children at various gestational ages
18 and lists the agencies that offer alternatives to abortion; and

19 (B) the woman has a right to review the written information
20 described in (A) of this paragraph and that a copy will be provided at no cost
21 to the woman if the woman chooses to review the information;

22 (3) a copy of the information described in (2)(A) of this subsection has
23 been provided to the woman if the woman chooses to review the information; and

24 (4) the woman certifies in writing before the abortion that the
25 information required to be provided under (1) - (3) of this subsection has been
26 provided.

27 (c) In this section,

28 (1) "conception" means the fusion of a human spermatozoan with a
29 human ovum;

30 (2) "gestational age" means the age of the unborn child as calculated
31 from the first day of the last menstrual period of the pregnant woman;

- 1 (3) "pregnant" or "pregnancy" means a female reproductive condition
2 of having a developing fetus in the body from the time of conception;
3 (4) "unborn child" means the offspring of human beings from
4 conception until birth.