

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 9, 2009

1:08 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Bob Lynn
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

Representative Carl Gatto

COMMITTEE CALENDAR

HOUSE BILL NO. 35

"An Act relating to notice and consent for a minor's abortion; relating to penalties for performing an abortion; relating to a judicial bypass procedure for an abortion; relating to coercion of a minor to have an abortion; relating to reporting of abortions performed on minors; amending Rule 220, Alaska Rules of Appellate Procedure, and Rule 20, Alaska Probate Rules, relating to judicial bypass for an abortion; and providing for an effective date."

- Heard & Held

PREVIOUS COMMITTEE ACTION

BILL: HB 35

SHORT TITLE: NOTICE & CONSENT FOR MINOR'S ABORTION

SPONSOR(S): REPRESENTATIVE(S) COGHILL

01/20/09	(H)	PREFILE RELEASED 1/9/09
01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	JUD, FIN
03/09/09	(H)	JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

MANDY O'NEAL COLE
Douglas, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 35.

LESLEY THOMPSON
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 35.

LATANYA SEMONES
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

REV ORION
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

CHERYL HUMME
Barrow, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

BYRON CHARLES (ph)
(No address provided)

POSITION STATEMENT: Provided comments during discussion of HB 35.

JAN WHITEFIELD, M.D., OB/GYN, Section Chair
American College of Obstetricians and Gynecologists (ACOG)
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 35.

OSCAR AVELLANEDA
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 35.

LORI SIEBE
Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

ERICA THOMPSON
Kodiak, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

KATHLEEN GUSTAFSON, President
Board of Directors
Kachemak Bay Family Planning Clinic (KBFPC)
Homer, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

MARY JO SPOTTS
Sterling, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

AUTUMN LEACH, Attorney at Law
Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

PATRICIA ODDEN
Big Lake, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

CLOVER SIMON, MSW, Vice President, Alaska
Planned Parenthood of the Great Northwest (PPGNW)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

KATHERINE FOREST
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

TIANA ODDEN
Big Lake, Alaska

POSITION STATEMENT: Provided comments during discussion of
HB 35.

DEBRA CALDERA
Alaska Public Health Association (ALPHA)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

JULIE BARRY
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

MONIQUE KARAGANIS, M.D., Pediatrics
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of
HB 35.

BRYN WINTERBERGER
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of
HB 35.

KEN WINTERBERGER
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 35.

MARGARET GADSDEN
Anchorage, Alaska

POSITION STATEMENT: Urged the committee to vote against HB 35.

ACTION NARRATIVE

[1:08:19 PM](#)

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at 1:08 p.m. Representatives Ramras, Dahlstrom, Coghill, Lynn, and Holmes were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

HB 35 - NOTICE & CONSENT FOR MINOR'S ABORTION

[1:08:32 PM](#)

CHAIR RAMRAS announced that the only order of business would be HOUSE BILL NO. 35, "An Act relating to notice and consent for a minor's abortion; relating to penalties for performing an abortion; relating to a judicial bypass procedure for an abortion; relating to coercion of a minor to have an abortion; relating to reporting of abortions performed on minors; amending Rule 220, Alaska Rules of Appellate Procedure, and Rule 20, Alaska Probate Rules, relating to judicial bypass for an abortion; and providing for an effective date."

[1:08:44 PM](#)

REPRESENTATIVE COGHILL, speaking as the sponsor, explained that HB 35 pertains to notice and consent for a minor's abortion, and that Alaska's existing parental consent statute was found to be unconstitutional by the Alaska Supreme Court [in State v. Planned Parenthood of Alaska]. He suggested that HB 35 will outline the "standing" parents should have in a minor child's decision regarding abortion, and will provide an exemption for situations involving "bad-acting" parents; the question of how [the bill] shall provide for these things in a constitutional manner is still to be addressed, however. He offered his understanding that the Alaska Supreme Court found that when compared to a minor's right of privacy, there was not enough of a compelling state interest for mandating parental consent for

an abortion, and said he disagrees with that decision as a matter of public policy, particularly given that parental consent requirements are in place with regard to other medical procedures. He proffered that the language in HB 35 will give parents a say in their minor daughter's decision to have an abortion and allow them to protect her from her own immaturity.

REPRESENTATIVE COGHILL said he feels so strongly that parents should be an integral part of [a pregnant minor's decision to have an abortion], that he is willing to [challenge the court's ruling via HB 35], particularly given that the court only characterized the existing parental consent statute as constitutionally suspect. And although the court did point out that there is a least-restrictive means of involving the parents, that being to provide notice, the court still erected a barrier, he opined, between a pregnant child and her parents with regard to consenting to an abortion. He offered his belief that this is the only place where such a barrier exists. Under the bill, the parents will have to have been given notice and must give consent in order for their minor daughter to get an abortion.

REPRESENTATIVE COGHILL explained that the bill contains exemptions whereby a pregnant minor can seek an abortion without providing her parents with notice or obtaining their consent. Situations involving incest or abuse, an emancipated minor, a married minor, a minor serving in the armed services, or the court's lack of response to a judicial bypass request, could all result in a pregnant minor obtaining an abortion without her parents' consent. The judicial bypass procedure provided for in HB 35, he opined, follows U.S. Supreme Court [rulings], whereas the Alaska Supreme Court went too far when it "trumped all parental rights." At the very least, he concluded, parents should be included in the discussion and involved in the decision.

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MANDY O'NEAL COLE, noting that she has worked with youth in the past, said that as a parent, she understands that HB 35 was offered in good faith. She is of the belief, she said, that it is her responsibility and absolute obligation to provide an environment in which her children will feel that they can come to her and discuss difficult issues, and said she hopes that should one of her children face an issue as big as an unwanted pregnancy, that he/she would come to her for advice, and that this will prove true for other families as well. She said that

as a good parent, she wants to have faith in her children that they will communicate with her without there being legislation mandating that they do so.

MS. O'NEAL COLE said that she has known girls who've become pregnant and felt pushed into a corner such that they've then consumed [harmful] substances in the hopes of terminating their unwanted pregnancy "under the radar." This is a very scary thing to witness, and thus the concept of putting any more barriers between a girl and a safe, legal abortion is really frightening to her, she remarked, adding her belief that doing so will increase the likelihood that a pregnant girl will attempt to induce an abortion on her own because she will feel as though she doesn't have any other options.

MS. O'NEAL COLE opined that the problem with HB 35's judicial bypass provision is that those who might make use of it are living with parents who are perpetrating violence, threats, humiliation, and coercion on them; girls living under such conditions, therefore, although not legally prevented from seeking judicial bypass, are emotionally prohibited from doing so. These are girls who might not have the confidence to go before a judge and say they are pregnant and afraid of their parents, since girls who are afraid to talk to their parents will probably also be afraid to get involved with the judicial system and speak to people in positions of authority, especially when they've been victimized.

MS. O'NEAL COLE said that while she believes that HB 35 is the result of members' interest in Alaska families, she also believes that there are other ways "to go about this" such as by encouraging families to communicate openly, and by encouraging sex education and other healthful practices; in this way, there will be less need for abortions and, when an abortion is necessary, teenage girls will feel safe to either speak with their parents or get an abortion on their own if speaking with their parents is not a [safe option].

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[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

MS. O'NEAL COLE, in response to questions, reiterated that she is a parent, relayed that she works for "victims' services" and runs an offender program, and said she would agree that sometimes children, regardless of the facts before them, cannot think straight.

VICE CHAIR DAHLSTROM noted that when her now-grown children were younger, when they were afraid to come speak to her about something [they did], it was because they knew there would be consequences. She offered her understanding that studies indicate that children's brains develop at different rates - males differently from females, and differently as a result of different life experiences - and that they aren't really capable of making [fully rational] decisions until they are in their 20s. She said she questions what happens to the girl who gets an abortion without telling her parents simply because she wanted to avoid getting into trouble with her parents; that girl then has to live with that decision for the rest of her life.

MS. O'NEAL COLE said:

I do see that as a problem, and ... my heart would break for any girl who went through that. But I guess the bottom line for me is that [on the one hand] there's that child who may regret not having had that baby when she was a teenager, versus the child who was afraid to go to her parents [and would] smoke and drink and try to cause her own abortion - because it's a scary thing. [And] ... I've seen girls who believed that the more that they can drink, the more likely they will be to miscarry, and so she dies, the baby dies, [or] they both are injured in a way that is a lifelong disaster and tragedy for that family. ...

Any woman, whether she's 16 or 43, may, down the line, have second thoughts about having had an abortion. As a mother, I can see that. ... I love my children and I think, ... what if I didn't have them? ... It'd be horrible for me - but at the same time I also think, what if I was ... a teenager in a relationship with an abusive boyfriend who had coerced me into having sex, and then I have absent parents or neglectful parents or scary parents? In any of those cases I think, wouldn't it be better for me to have that faith that the State of Alaska believes me to be a good enough ... steward of my own body to make the right choice for myself?

And while ... I certainly couldn't ... [say] that there won't ever be any regrets, I think that's a choice that every individual makes whenever they exercise their free will - that there could be regrets

eventually - but in the moment, if that was the right decision, then that was the right decision, and it's hard for me or for any of you to know, in that moment, ... what's happening for that girl.

MS. O'NEAL COLE, in response to a question, said she is pro-choice, believes that a woman has the right to decide what happens with her body, and has supported abortion rights since she was [a teenager]. She added that her mother was pro-life but never stopped her from having her own beliefs. In response to further questions, she offered her belief that once a baby is born, it has all the rights of a person, but until then, the right of the woman to control her body and anything within it is supreme, and that a fetus is part of a woman's body until it is able to survive outside of the womb.

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REPRESENTATIVE COGHILL acknowledged that somewhere along the line, the pregnant girl will make a decision, and his preference is for the parents to be a part of that decision-making process; his concern is that other individuals and advocacy groups will end up trumping the parents.

MS. O'NEAL COLE remarked:

I think that as adults, we often try ... [to] make thoughtful suggestions and thoughtful rules for our children; I think that that is 100 percent the truth. And I think that there will be people who advocate for different things, all the time, but that the beauty of being an independent person is that you get to see that there are different opinions out there and [get to] choose the one what feels right for you at the time. So perhaps ... a youngster would go to [an organization such as] Planned Parenthood to learn about an abortion, but perhaps that same youngster would talk to their parent, as ... I've had family members do, ... about that as well, and take in all of the information. So ... I think my thoughts on that are that too much education is never a problem, [that] simply making informed choices with all of the available options open to you is probably the best way to go.

REPRESENTATIVE GRUENBERG, mentioning that he is pro-choice, noted that the age of consent for marriage is different than the

age of consent for an abortion, and that the legal and constitutional basis for the right to decide whether or not to have an abortion is one application of the theory that a woman has a right to decide what to do with her own body. Isn't the right to marry also the right to decide what to do with one's own body?

MS. O'NEAL COLE said she does see some parallels between the age of consent for marriage and the age of consent for an abortion. When considering the issue of consent, the safety and autonomy of an individual must also be considered.

REPRESENTATIVE GRUENBERG, remarking that the age of consent for marriage is 18 whereas the age of consent for an abortion is 17, noted that under AS 25.05.011(a)(3), a person [under the age of 18] doesn't need his/her parents' consent if the person is on active duty in the armed services. The bill, however, doesn't seem to contain a similar exemption.

REPRESENTATIVE COGHILL offered his understanding that there is such an exemption. He also noted that a youngster can seek emancipation at the age of 16.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

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LESLEY THOMPSON, after relaying that she has both worked for and volunteered with various youth groups and church groups and therefore has a good sense of what boys and girls "are about," said that she is very much in support of HB 35. She elaborated:

Having worked with so many teenagers over my life, I don't think they're ready to make the rational, moral decision that this will (indisc.) their life for the rest of their life. I've talked to many people my age who've had abortions, and they ... have a hard time coming to grips with what they did, and many times they'll even think about birthdays every year. I think it's a very difficult decision, and I think a lot of times kids are very concerned [about] ... talking with their parents about something like this, but more times than not [I've] found that the parents can really step up to the plate and really make a difference and really help that girl ... - or the boy - through the situation.

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LATANYA SEMONES, noting that she is Alaska Native and was born and raised in a small community, said she is opposed HB 35. She went on to say:

I hope to raise a family in Alaska someday, my husband and I, and although I'll do everything I can to create an open, healthy relationship with my child or my children, I know that there is a possibility that once my children become teens, they may not always be comfortable coming to me. So in that instance, I would hope to see that my daughter would still have access to the information she seeks for her own health and safety. I'm also concerned about the teenagers in rural communities and how this bill will affect them. My family is from the [Pribilof Islands] and I still have many family members who live on the remote islands. For such a sensitive issue that may or may not involve abuse, it's important for the government to ensure the safety of the teenagers in rural communities, instead of forcing communications and relationships that ... may not even exist ... or be healthy.

I can understand that in this bill there's an opportunity for a court process so the teenager can bypass parental consent, but you have to understand how intimidating that would be, especially for a teenager in a rural community where that opportunity is even more complicated. How would a relative of mine [on] ... Saint George Island handle this situation if she didn't want to, or couldn't, tell her parents, for whatever reason? Would she have to find a boat to the neighboring island? What lengths would she have to go through? It's irrational to think a young, scared, possibly abused teenager in rural Alaska would be able to get the help she needs were this bill to pass. Any risk to a teenager isn't worth forced communication with parents.

I'm completely supportive of healthy family communication, but the bad outweighs the good here because this bill would put Alaska's teenagers at risk of not seeking help in a timely manner or, worse, [of] resorting to dangerous measures on their own. This bill does nothing to protect the health and safety of

Alaska's teens, as it's not addressing a relevant issue, because teenagers are talking with their parents - they're talking with other adults in their lives as well. This bill isn't solving a real problem; it's creating problems ... in an already problematic situation, and the government shouldn't just dictate to whom teenagers are talking - it should foster opportunities for teenagers to get the information they seek in a timely manner, and that's the only way to keep them safe and healthy.

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REV ORION said that he opposes HB 35. He indicated that those families with good communication skills won't need legislation such as HB 35 because the parents will be involved in their pregnant child's decision. Noting that he is a single father, he said he feels that it is his job to have that level of communication with his son, and that he very much hopes that his son would feel comfortable coming to him regardless of what the situation is knowing that he will still try to do the best thing he can for him. If his son starts making decisions whereby he is putting himself in danger and doesn't communicate with him about the consequences, that is his failure as a father, he opined. He said he doesn't want or need any legislation passed [mandating communication], nor does he feel it would be good public policy to force girls in an already difficult situation to struggle through even more obstacles.

MR. ORION opined that the person who must carry a pregnancy to term and give birth should be the person who retains the right to decide whether or not to do so, and that to take away that person's individual right to control her own body is un-American and un-democratic. He surmised that the goal of HB 35 is to prevent teenage girls from making the decision to get an abortion, since nothing in the bill addresses the issue of parents who would make that same decision for their 15-year-old daughters, for example. He characterized such a decision as wise more often than not. In conclusion, he said he thinks that HB 35 is a bad bill that will create more problems and help nothing.

REPRESENTATIVE DAHLSTROM asked Mr. Orion whether he would wish to be notified that he was a potential grandfather before an abortion was carried out.

MR. ORION said that his wish is that he would have done a good enough job of raising his son that his son would always come and speak with him about serious issues; however, if his son didn't feel that he could communicate with him in a cooperative manner, then he would rather that his son would be able to make his own decisions, because that would be his own failure as a father. He added that he trusts and hopes that he will always keep himself open and understanding enough that his son will always feel he can come to him. If his son, when he becomes a teenager, gets involved with a teenage girl and they conceive a baby but don't feel that they ought to have that baby and neither feel that they can speak to their parents about it, Mr. Orion said that that would be his and the girl's parents' failure as parents. Because worst case scenarios exist, he opined, "this has to be allowed." There are parents who, instead of actually communicating, simply pound their children with religious dogma, and there are parents who pay no attention to their children; such parents haven't fostered the kind of communication necessary in today's society. Therefore, he said, he doesn't think that the children of such parents should involve their parents in a discussion about an unwanted pregnancy.

REPRESENTATIVE DAHLSTROM argued that although sometimes religion "plays into it," so do one's own life experiences and the experiences of friends. She said she's known men who've learned later on in life that a girl they'd gotten pregnant when they were younger had chosen to have an abortion, and those men expressed regret and grief over not having known about it. She noted that she's heard from many people who've said that even if their children do choose to get an abortion, they want to be involved and be there for their children - they don't want their children to go through such an invasive medical procedure without them being present, because they want to be able to help their children with the mental, emotional, and physical consequences, particularly given that medical complications could arise. She pointed out that there are a lot of laws making parents liable for their minor children's actions.

MR. ORION said he understands that he is responsible for his minor child's actions and accepts that responsibility gladly; if his son were to destroy someone's property, for example, then he and his son, together, would deal with the consequences. Fulfilling that responsibility requires that he be on his toes when it comes to raising his son, he remarked, but what he doesn't want is for the government to take control of a person's body. He added, "I don't care about the regret of a [potential]

grandparent who's child had an abortion, because what I care about is what's going on in that young girl's head at the time and her ability to make a decision about her life - ... which she's already made by having unprotected sex or sex [wherein] ... the protection did not work; ... now it's on her, now it's her responsibility, now she has control of her life."

MR. ORION said that's the difference between needing parental consent to give an aspirin at school and parental consent to have an abortion. With an abortion what's at issue is the girl's whole life as well as the life of the being inside her, and that unborn child, if it is allowed to be born, will then be [being raised by] a 15-year-old mother, for example, who has parents with whom she can't talk. That's not setting somebody up for success, he opined, and said he would rather hear stories about 15-year-old girls who did have an abortion, learned their lesson from that, and moved on to become intelligent women, and, then, when they were ready to have a child, did so - that is a success story. That is more important than someone looking back when he/she is 60, for example, and regretting that his/her daughter chose an abortion, thus denying him/her the opportunity to raise a grandchild.

MR. ORION, in response to comments and a question, said that although he has met wonderful people who [are very religious], he thinks that it is common for religion to be used as an overbearing force in the lives of a lot of children in that there is no forgiveness but instead only punishment. He assured the committee that he is not saying that there is a blanket problem with religion itself, but rather his point is that even young girls need to have the same options available to them as older women with regard to what happens with their bodies. In conclusion, he reminded the committee that religion has been used [in the past by some] to justify slavery and the slaughter of Natives.

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CHERYL HUMME said she would be speaking in opposition to HB 35. She surmised that it is the sponsor's desire that there be good communication within families in Alaska, and said that while she applauds that desire, it doesn't reflect reality. Alaska has such significant rates of child abuse, domestic violence, and sexual assault that to assume that all children will feel comfortable approaching their parents when making such a crucial decision is just wrong. Alaska's youth involved in such circumstances should not be further penalized by making them

overcome yet another hurdle in their lives - that of having to obtain parental consent in order to have an abortion. Can healthy families really be legislated? Noting that many people often express concern that a teenage girl may later on in life regret her decision to have an abortion, she asked, "What about the effect on her life if she becomes a teen mother - what about the effect on both of their lives, the mother and the baby?" The reality is that teen mothers have less money for the rest of their lives, and that children who grow up in poverty do worse in school.

MS. HUMME, concurring that it's the desire of most parents to be there for their children, questioned whether the committee is really willing to take away a teenage girl's right to control her own body. She said she doesn't believe that that's the right approach to take. In response to questions, she cautioned against likening the treatment of a migraine with the concept of having control over one's own body when it comes to reproduction issues - to make such an argument is to minimize the situation. She pointed out that under current law in Alaska, a minor can get birth control without parental consent, adding that she feels that having to obtain parental consent in order to be administered aspirin by a school nurse is completely different.

[2:00:46 PM](#)

BYRON CHARLES (ph) characterized what's being discussed today as a very, very delicate subject, and surmised that the people's constitutional rights to due process are also at issue. He remarked that ever since the State of Alaska began distributing permanent fund dividend (PFD) checks, it seems as though there are a lot of children having children. Education is a critical component, he opined, but it appears that classes on parenting skills are only being offered to minors after they become parents. He relayed that he has an 18-year-old son with a 1-year-old son himself. He added, "Tough love, as we all know, is easier said than done when it comes to dealing with ... [teenage pregnancy]; all we can do is try to be there for moral support the best way we can." In conclusion, he offered his belief that the issues being discussed today should be required as part of the [high school] education curriculum, including parenting skills, and that more research needs to be conducted before action is taken on HB 35.

[2:03:57 PM](#)

JAN WHITEFIELD, M.D., OB/GYN, Section Chair, American College of Obstetricians and Gynecologists (ACOG), relayed that he would be providing information produced by the ACOG and not his own opinion. The April 2006 ACOG Committee Opinion Number 330 says in part: "... parental consent, although preferred, should not be required. If parental consent is not obtained, consent for the examination should be obtained from the minor and indicated in the medical record." He explained that the aforementioned statement pertains to a Colposcopy, an examination tool used in the diagnosis and treatment of cervical cancer. He then relayed that the ACOG Statement of Policy as issued by the ACOG Executive Board, reaffirmed July 1987, says in part:

Statement on Providing Effective Contraception to Minors ... The laws of some states indirectly prohibit this service for minors and thereby prevent the gynecologist from serving them or place the physician in legal jeopardy if he does so. ... These restricting legal barriers should be removed even in the case of an unemancipated minor who refuses to involve her parents. A pregnancy should not be the price she has to pay for contraception. On the other hand, in counseling the patient, all possible efforts should be made to involve her parents. ...

DR. WHITEFIELD then relayed that the ACOG Statement of Policy as issued by the ACOG Executive Board, last reaffirmed July 2007, says in part, "Abortion Policy ... Termination of pregnancy before viability is a medical matter between the patient and physician, subject to the physician's clinical judgment, the patient's informed consent and the availability of appropriate facilities" He remarked that the aforementioned policy speaks about the patient and the physician, and specifically doesn't speak about the parent.

REPRESENTATIVE HOLMES noted that a violation of HB 35 would subject a physician to a fine of \$1,000, or a prison sentence of up to five years, or both. She asked Dr. Whitefield to comment.

DR. WHITEFIELD said his goal in speaking was to provide the committee with information produced by the ACOG - information that members could take into consideration during its deliberations; therefore, he is not yet prepared to make a statement regarding his thoughts on HB 35 specifically, but would attempt to do so at a later date if the committee would allow. In response to questions, he explained that the documents he was reading from are documents produced by the ACOG

in an effort to assist obstetricians and gynecologist in their practice; that in instances where the patient is considering terminating a pregnancy, he provides some counseling; and that if committee members have specific questions, he would attempt to research specific information from the ACOG to address those questions. He reiterated that he did not come prepared to provide his own opinion on the bill but instead simply intended to provide the committee with factual information from the ACOG.

REPRESENTATIVE DAHLSTROM expressed interest in learning who Dr. Whitefield seeks payment from in instances where the patient is a minor, and who becomes financially liable if no payment is forthcoming.

REPRESENTATIVE LYNN expressed interest in learning whether parents are notified if complications arise during an abortion procedure.

DR. WHITEFIELD, once again reiterating that he was not speaking on his own behalf but instead on behalf of the ACOG, asked that members provide their specific questions in writing so that he can obtain specific written responses from the ACOG.

CHAIR RAMRAS told Dr. Whitefield that he shouldn't expect to receive anything in writing from the committee.

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OSCAR AVELLANEDA pointed out that regardless of the sponsor's hope that there will be communication within families, in today's society, discussing issues such as sex and abortion is considered scandalous, and he is therefore questioning the efficacy of a bill such as HB 35, particularly given all the pressure and anxiety associated with telling one's parents about an unwanted pregnancy without knowing how they will react - a bill such as HB 35 could instead just make the situation worse. He also pointed out that even a quick Internet search on how to induce an abortion resulted in some absolutely scary advice. "That is something the next generation is going to do," he predicted: minors will just research on their own how to induce an abortion themselves. Although communication is important, HB 35 is not the appropriate bill to ensure that communication takes place, he concluded.

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

REPRESENTATIVE GRUENBERG asked Mr. Avellaneda whether he thinks that passage of HB 35 will result in children talking to their parents.

MR. AVELLANEDA surmised that children who already have some sort of open communication with their parents will gather up the courage to talk to their parents about an unwanted pregnancy, but that children who don't or who are afraid of their parents will be pushed by HB 35's requirements into seeking ways of dealing with an unwanted pregnancy on their own.

REPRESENTATIVE GRUENBERG asked Mr. Avellaneda whether he thinks it's good public policy "to encourage people to evade the law in that manner."

MR. AVELLANEDA suggested that instead of passing such a law, the legislature should instead focus on education efforts encouraging communication. In response to a question, he shared his belief that at some point, the parents of a pregnant minor should be involved.

REPRESENTATIVE COGHILL offered his belief that the court ruling in Planned Parenthood of Alaska has resulted in parents "never having a right to know" unless their child decides to involve them.

MR. AVELLANEDA observed that communication and consent are two different things. Communication involves open dialog and an acknowledgment of the minor's choice, whereas HB 35 mandates that the minor obtain consent before getting an abortion. He relayed that when he was young, he withheld some information from his parents until he felt that the time was right and that it would be safe to disclose the information.

REPRESENTATIVE COGHILL surmised that Mr. Avellaneda is of the belief that parents should "never have a right to know" unless the child is amenable.

MR. AVELLANEDA concurred.

REPRESENTATIVE COGHILL said he disagrees with that belief.

[2:22:38 PM](#)

LORI SIEBE opined that in an ideal world, all kids would talk to their parents. Unfortunately, that's not the way the world is. Furthermore, it's not just children living in abusive situations

who don't want to talk with their parents - children who are high achievers and love their parents dearly are sometimes also afraid to discuss certain things with their parents. She spoke of a couple - the Bells of Indiana - who lost their daughter - Becky - in 1988 to a botched abortion because she was too humiliated and afraid of disappointing her parents to tell them that she was pregnant, and Indiana at the time had a [mandatory] consent law. The Bells, since then, have been giving talks and providing information so that other parents don't have to go through what they did; again, even though the Bells were an open and loving family and totally supportive of their daughter, she did not want to disappoint them, and it killed her.

MS. SIEBE indicated that in addition to her concern about those children living in abusive situations, she opposes HB 35 because it will put [pregnant girls] in Alaska in a difficult situation. Consider the time factor - Alaska is a remote, large state, and many communities in Alaska just don't have the necessary services available and so travel would be involved, thus delaying decisions that must be made in a timely manner. Becoming pregnant while still a young teenager is not an easy situation; it's not a situation any girl or boy wants to get into. Ideally, children will talk to their parents without this proposed law - they shouldn't have to be forced by law to communicate with their parents. She mentioned that Dr. Whitefield delivered her baby, and characterized him as an excellent physician and a great advocate for women's health.

MS. SIEBE surmised that the point of HB 35 is to protect Alaska's children - protect Alaska's girls - but said she feels that instead the safety of those children would be jeopardized by the passage of the bill. She said she would love for her daughter to speak to her on her own if she ever found herself pregnant, and hopes that she has given her daughter reason to. Ms. Siebe acknowledged, though, that her daughter may choose not to speak with her, and said she would honor that decision regardless that she may not be happy with it. She asked the committee to protect Alaska's children by not passing the bill, to instead hope that children will talk to their parents even though not required to by law.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

REPRESENTATIVE HOLMES surmised that one of the dangers of the bill is that pregnant minors will do whatever it takes to abort a fetus once they have decided not to give birth, and therefore if they feel they can't face their parents or the judicial

system, they will instead simply seek other means of aborting regardless that they themselves may be harmed in the process.

MS. SIEBE concurred, surmising that girls will be seeking information on how to abort from "the weirdest places." She offered her recollection that when she was a teenager, fellow teenagers would give advice on how to abort. Girls would go to any lengths to end an unwanted pregnancy regardless that they weren't following safe advice.

REPRESENTATIVE HOLMES, noting that HB 35 requires parental consent, not just parental notification, expressed concern that the "veto power" being given to parents via HB 35, even when their children do come talk to them, will cause girls to harm themselves while attempting to abort without parental consent.

MS. SIEBE agreed.

[2:28:53 PM](#)

REPRESENTATIVE COGHILL said he disagrees with the assumption that every parent will give his/her children bad advice or that forcing children to accept a decision they don't agree with is always bad. He added, "I think this particular bill gives avenues for those who have that kind of a problem," and asked Ms. Siebe whether she assumes that parents will always veto a pregnant minor's decision [to have a abortion].

MS. SIEBE said no, surmising that every situation will be unique. Instead, her point about HB 35, she relayed, is that it will force kids who are living in a bad situation to lose valuable time as they attempt to seek safe healthcare in a timely manner. Again, ideally, kids will talk to their parents without this bill, whereas HB 35 is telling people how they have to act, and the people who will be most negatively affected by this bill are the children who don't have communication with their parents.

REPRESENTATIVE COGHILL opined, however, that [the court ruling] is telling parents how to act and is empowering those who would counsel pregnant minors without parental involvement or parental consent.

MS. SIEBE surmised that Representative Coghill believes that any counselor advocating for women's health will tell a pregnant minor to get an abortion. That may not be the case, she pointed out; instead the pregnant minor may not want to have an abortion

after speaking with a physician. She said it appears as though legislators aren't focusing on the safety of the children who may find themselves pregnant but are instead just getting wrapped up in debating the abortion issue itself. Since it's the girl's decision whether to keep the baby, she should be allowed the option of making that decision with the assistance of a doctor, without the stress and undue burden of having to talk to parents who aren't supportive or who aren't open to discussing the issue. Although a girl might have great parents and would talk to them anyway, she should be given the benefit of the doubt, Ms. Siebe concluded.

REPRESENTATIVE COGHILL said, "My contention is that those who have gone to every supreme court in the United States [and] ... pushed abortion in every venue going are the very ones that are counseling our young daughters to get abortions."

MS. SIEBE countered that the trend she is seeing is that there is more counseling for adoption, rather than for abortion, adding, "I feel you're wrong there." She went on to say, "I think it's important that a child gets all information, and that all is available to her, and it's not our decision to make for her, but to give her the proper tools she needs to make a decision that's right for her."

[2:33:43 PM](#)

REPRESENTATIVE GRUENBERG asked Ms. Siebe whether she believes that if society makes it more difficult for a young person without financial means to obtain an abortion, that it's then also society's obligation to pay for that person's education so that she can then earn the money to raise a child, and to pay for their healthcare. What is society's obligation once the child is born?

MS. SIEBE opined that that issue is not at all relevant to the discussion on whether to mandate that a pregnant minor notify her parents regarding a reproductive matter.

REPRESENTATIVE GRUENBERG pointed out, though, that as legislators, they need to consider the implications and full ramifications of the laws they pass; with regard to HB 35, that includes considering how it will affect society, what will happen to the young mother and child if the child is born, how that child will be able to survive economically, educationally, and in good health, and how the young mother will be able to afford to raise that child.

MS. SIEBE asked whether Representative Gruenberg is questioning whether the parents of the pregnant minor should be required to pay for the upbringing of the baby if they force her to give birth, as opposed to the pregnant minor going on public assistance.

REPRESENTATIVE GRUENBERG clarified that he's not asking whether just the parents of the pregnant minor have that obligation but whether society has that obligation as well.

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

MS. SIEBE reiterated that her concern revolves around the issue of pregnant minors possibly being injured because they won't talk to their parents and instead make bad medical decisions all on their own.

[2:37:25 PM](#)

ERICA THOMPSON, noting that she currently works as a substitute teacher at both the middle school and the high school [in Kodiak], said that the rate of teen pregnancy is astounding. She offered her understanding that in Alaska, the age of consent for becoming sexually active is 16, and that the goal of HB 35 is to lower the number of abortions performed in Alaska. Regardless that that is a legitimate goal, as a state and as a government, she opined, "we cannot mandate healthy and open family communication," particularly given the high rates of sexual abuse [of a minor crimes] and instances of incest in rural communities - it is not feasible to require pregnant girls to talk with their parents about having an abortion.

MS. THOMPSON observed that whether a girl is afraid of dishonoring her family, or of disappointing her parents, or of disclosing what she's been subjected to, until the problems of sexual abuse and incest in Alaska's communities are resolved, the government shouldn't mandate that a young girl, who is pregnant through no fault of her own and who doesn't want to give birth, go in front of judge and prove why she should have the right to get an abortion. Teenagers in [Kodiak] are giving birth at the age of 14; this means that they are getting pregnant during the summer after their 8th-grade year at school. This illustrates the extreme need for comprehensive sexual education that includes information about all forms of birth control in addition to information about abstinence - a completely respectable choice. So many students are not getting

adequate birth-control education, or are getting it too late, that the State shouldn't, at this point in time, mandate that girls have to be 18 in order get an abortion without parental consent.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

MS. THOMPSON said that with the young women with whom she is speaking, she is finding that in some cases, they are already sexually active but are not talking with their parents about having become so, and this illustrates that there is a lack of trust within those families. So regardless that parents have a right to know what their child is doing, if a child becomes pregnant but doesn't feel she can safely speak to her parents without them simply forcing her to give birth, then the parents' right [to know] "has gone out the window" because they've had the time to talk to their daughter about healthy sexual behavior and birth control options - and create a stable, wholesome environment within which their daughter could talk to them - but neglected to do so. If it's gotten to the point that a minor is already pregnant, then that signifies that there has been breakdown in communication - either within the home or within the education system itself.

MS. THOMPSON said that she is strongly against HB 35 and doesn't feel that it will benefit the young women in Alaska's rural communities at all. In response to a question, she said she is aware - both as a young women's self-sufficiency advocate and as someone raised in the community - of young girls being impregnated by older, irresponsible men; several of her friends have been left to be single mothers because their families had a very, very strong stance against abortion. The older men in these situations have had no part in their offspring's lives, and the majority of the young women are now using State social service funds to raise their children; these young women have had to let go of their dreams of going to collage or their dreams of establishing a life outside of Alaska. These young women love their children but they also have a lot of sadness in their hearts because they feel as though they have become stuck and are no longer able to make beneficial choices for themselves as parents and as community members.

REPRESENTATIVE LYNN offered his understanding that physicians who perform abortions aren't reporting instances in which minors are being impregnated by older men - men who are committing the crime of sexual abuse of a minor.

MS. THOMPSON noted that although she herself would not be affected by HB 35 because she is no longer a minor, she has a younger sister who would be affected by it. She went on to say:

I'm lucky enough to have grown up in a family where there is open communication, and at no point in my life would my parents have said to me, "You got pregnant, you have to have this baby." ... I do have friends, however, that were not as fortunate as myself, and now they are growing up with a child that they're raising that they don't have the parenting skills or the life skills to be raising. And no matter what happens, that child that they're raising now is being raised with the knowledge that ... [his conception] was not on purpose - he was not wanted, he was not asked for, he was brought into this world by choices that were not his mother's. And I think that later on we're going to find a group of students in our schools who are dealing with a lot of depression issues because they're being raised in homes like that. And this may be 15 years down the road, when the [children of these current teenage pregnancies] ... are actually in the school districts, themselves, and I just don't think any of this is a good plan.

[2:46:30 PM](#)

REPRESENTATIVE GRUENBERG asked Ms. Thompson whether she believes that if a pregnant minor doesn't have the educational or financial resources to support a baby that her parents force her to have, that society is then obligated to provide healthcare, education, and training that would allow for the young mother to support her baby. He added, "I, as a legislator, need to know and to consider that possibility."

MS. THOMPSON said she does believe that if HB 35 is passed into law and parental consent becomes a requirement for having an abortion, and a pregnant minor doesn't want to give birth but her parents won't consent to an abortion, then if the legislature hasn't taken into account the huge financial support that young mother-to-be will require as a result of her choice having been taken away, it would be a huge lapse in judgment [on the part of the legislature]. She added:

I very much feel that if we are going to force girls into talking with their parents and getting their parents' approval to have an abortion, there is going

to be a group of girls who do not want to be mothers that are forced into it, and they are probably going to be very angry with their families, and they will not be able to have the education or career opportunities that would otherwise have been provided to them if they had not had a child. Therefore, I believe that there ... must be the consideration of the financial responsibility that will fall to the State to provide for these women and their offspring.

REPRESENTATIVE GRUENBERG asked Ms. Thompson whether she believes that in the same factual situation, the parents of the pregnant minor should be required to bear the financial responsibility for the pregnancy and the raising of the baby.

MS. THOMPSON said no, because in that situation it would be the legislature mandating that the pregnant minor get parental consent to obtain an abortion. Such a mandate, she surmised, would essentially force the parents to make the decision for their daughter regardless of what she might wish, and those parents who refuse to grant their daughter an abortion will simply advise her to obtain public assistance, thus making the State pay for the raising of that unwanted baby.

[2:52:28 PM](#)

KATHLEEN GUSTAFSON, President, Board of Directors, Kachemak Bay Family Planning Clinic (KBFP), said that she personally opposes parental consent laws, and believes that every pregnant Alaskan has the right to privacy afforded to all Alaskans via the Alaska State Constitution. She pointed out that a pregnant minor may need protection from the very people [the sponsor] seeks to empower with legislation such as HB 35. Surmising that the sponsor is of the belief that generally parents behave well, she said she doesn't believe that pregnant minors need to be protected against generalizations, but instead need to be protected against specific examples of when the parents aren't behaving well. To say that generally parents behave well, she opined, is to simply be looking the other way.

MS. GUSTAFSON then characterized the assertion by some that those in the healthcare industry are coercing minors into having abortions as a false perception. Most healthcare providers, she explained, strictly and scrupulously follow codes of ethics and mandatory reporting laws. It is outright folly to believe that what [every] pregnant teenager needs is to be turned over to the will of her parents, she opined, since doing so [in some

instances] can actually endanger the pregnant teenager. Furthermore, the exemptions in the bill, she remarked, could actually harm the very people who need protection the most. She said she opposes the bill, and encouraged legislators to vote "no" on HB 35. In conclusion, Ms. Gustafson referred to Planned Parenthood of Alaska, and she said she agrees that protecting minors from their own immaturity and aiding parents in fulfilling their parental responsibilities are compelling state interests, but opined that [those goals] can only be achieved via reproductive-health education, not by restricting the rights of pregnant minors.

[2:55:11 PM](#)

MARY JO SPOTTS read her testimony from a letter she'd recently written to Representative Chenault:

I am opposed to HB 35, and I feel that the legislators sponsoring it or supporting it are way out of bounds and are politicizing the abortion debate. The Alaska Supreme Court ruled in 2007 that the parental consent Act was unconstitutional. Planned Parenthood states that in Missouri, second trimester abortions among minors increased 17 percent after a parental consent law passed. If legislators are opposed to abortion, they should push for comprehensive sex education, not for interfering in private family matters. Most teens facing an unplanned pregnancy are going to confide in their parents. The few who don't probably have valid reasons for not involving their parents. Mandating parental consent would make a bad situation much worse. I ask you to oppose HB 35. Thank you.

[2:56:48 PM](#)

AUTUMN LEACH, Attorney at Law, after noting that she is a former legal advocate for victims of domestic violence (DV), sexual assault, and sexual abuse of a minor crimes, relayed that she would be testifying in opposition to HB 35. She said:

I am concerned with the inconsistencies of our laws that this bill brings. I'm also concerned with the power given to parents to force parenthood upon a child, a minor. I am also concerned about ... the financial cost this bill may - and I believe will - bring to ... [our] state. The inconsistencies of this law: we allow minors to consent to sexual activity at

age 16 - this law allows a parent to tell a minor, at age 17 and down, they may consent to sexual activity but they may not consent to an abortion; our laws allow minors to obtain birth control and treatment and testing for [sexually transmitted diseases (STDs)] without parental consent; our laws also allow minors to become parents upon their choosing. This law allows a parent of a minor to force parenthood on ... [her] - another inconsistency of this law - this law does not permit a parent of a minor to force abortion on the minor. I believe the overall purpose of this bill is to restrict and reduce abortion. ... I'm not here to have an abortion debate. I don't think anyone would disagree that limiting abortion is a good thing. However, limiting the rights of mothers is not a good thing. I appreciate the discussion, and, again, I oppose HB 35.

[2:59:09 PM](#)

PATRICIA ODDEN said she opposes HB 35. Noting that she is a mother of seven children - five of them girls - and a grandmother of three girls, she opined that it is important [for legislators] to focus on the health of Alaska's teenagers. She and her daughters are close, she relayed, but acknowledged that there are probably times when they don't feel comfortable coming to her, though she would like to think they would come to her if the situation involved pregnancy. The government, however, has no place in that relationship. And if the government were to force any of her children/grandchildren into having a conversation with her, she said she could see how they would instead become intimidated and afraid to seek help, to the point where they would try other, desperate measures. Teenagers are impulsive and don't always use common sense, especially in confusing, scary situations.

MS. PATRICIA ODDEN said that she absolutely opposes government intrusion in her relationships with her five daughters and three granddaughters. She added:

We do our best as parents, and if, in such a situation like teen pregnancy, our girls don't feel comfortable talking with us, I'd like to think that they would still have access to information to keep them healthy and safe. We are an Alaska Native family, and we're very private - there's no place for the government [to

be] forcing itself in a sensitive, family situation.
I oppose this bill. Thank you for hearing me.

[3:01:05 PM](#)

CLOVER SIMON, MSW, Vice President, Alaska, Planned Parenthood of the Great Northwest (PPGNW), relayed that PPGNW is opposed to HB 35 for a couple of reasons. One, parents and teenagers already are communicating about the difficult issue of abortion, and, two, PPGNW believes that HB 35 is unconstitutional as referenced in the 2007 Alaska Supreme Court decision in State v. Planned Parenthood of Alaska. What PPGNW is seeing in its clinics is that parents are involved in their daughters' decisions when they are dealing with the very difficult issue of unintended pregnancy. Furthermore, PPGNW supports and encourages parental involvement in all of the services it provides to teenagers, and with regard to the issue of abortion, PPGNW is seeing that parents are overwhelmingly aware and involved in the process.

MS. SIMON said that historically, Planned Parenthood's Anchorage clinic has seen two or fewer young women [per year] obtaining abortion services without parental involvement. In 2008, [that clinic] served 18 young women; all but two were 16 years old and all but four had parents involved. Furthermore, she relayed, when she questioned other physicians in the community, they stated that the majority of their teenage clients accessing abortion services have involved their parents. Noting that during the discussion on HB 35, a lot of people, including the sponsor, have spoken about the rights of parents, and about their view that the Alaska Supreme Court ruling has driven a wedge between parents and teenagers, she pointed out that in actuality, teenagers and their parents are talking about sex and unintended pregnancies - their parents are very actively involved. Therefore, she opined, although there appears to be a reluctance among legislators to make laws based on exceptions and rare circumstances, that's exactly what is occurring via HB 35. Young women are not streaming into clinics flippantly deciding to terminate a pregnancy.

MS. SIMON also opined that the judicial bypass procedure outlined in HB 35 will not protect young women from those who've been characterized by the sponsor as bad-acting parents; the bill does not include a provision mandating that information about a minor seeking judicial bypass be kept confidential, nor does it include a mechanism for supporting the minor during the judicial bypass process. Under the bill's judicial bypass

procedure, for example, a minor, if she went through the court system, wouldn't have to tell her parents that she's seeking an abortion, but the bill allows [physicians and the court system] to share that information with her school. This doesn't make any sense. A young woman in a small community has little option but to take matters into her own hands, and this could lead to unsafe home abortions. The bill also establishes a mandatory 48-hour waiting period for teenagers seeking an abortion, even teenagers that have parental consent, and this will place an additional burden on those teenagers who have to travel to seek an abortion.

MS. SIMON, in conclusion, reiterated her belief that HB 35 is unconstitutional and that its judicial bypass procedure does nothing to protect an already vulnerable young woman.

3:04:29 PM

KATHERINE FOREST relayed that she was born and raised in Anchorage in a family with very strong Catholic views, learned in a Baptist school the importance of the Jesuit family, and is now the mother of a 4-year-old daughter who is the center of her life. "That is why I oppose HB 35," she remarked, because she wants her daughter to feel safe, and she intends to maintain open communication with her daughter so that she will feel that she can always come to her. However, if her daughter doesn't feel that she can come to her, Ms. Forest added, she wants to know that her daughter has access to safe medical care; "I do not want her to have to navigate a horrible process [in order] to get the care she needs."

MS. FOREST relayed that as a teenager, she was taught to trust and confide in her parents; her relationship with them was based on communication and love, both of which are very important in a teenager's life and are healthy for both sides. She relayed that she was also taught, at an early age, to be responsible, and so, throughout her years, this responsibility has made her who she is. These are the things that she wants to reinforce with her daughter, and why she works hard, and why she seeks to find the best care possible for her daughter while she is at work, she said, and why she strives to participate in healthy activities with her daughter; "I am sharing the same gifts that ... [were] given to me as a young adult."

MS. FOREST explained that when she graduated from high school, her parents - knowing that she was a mature, young adult capable of taking care of herself because those attributes were fostered

throughout her upbringing - entrusted her with traveling to South America for four months, and during her travels, she learned that life in other parts of the world was very different than her life at home; this was a very eye-opening experience. As an adult, she relayed, she has had the opportunity to work closely with Anchorage's underprivileged and at-risk youth, and she is therefore very aware that many youth haven't had the option of having parents that they can trust, confide in, or even talk to at all. House Bill 35 will affect Alaska's underprivileged youth, youth who have been denied an upbringing filled with family values through no fault of their own; such an upbringing was never offered to them, and their parents never shared a loving, nourishing relationship with them - thus they don't have the experience of such a relationship/upbringing to take away with them.

MS. FOREST said that Alaskans do not need their youth to feel frightened or terrorized, or to act as if the world is going to close in on them, or to resort to more drastic solutions - including taking their own lives. "We need to help Alaska's youth, and House Bill 35 is not the way to go; we need to help and protect our teens in Alaska, for they are our future," she concluded.

3:07:00 PM

TIANA ODDEN relayed that she is 19 years old, that she had an abortion about five/six months ago, and that she can't imagine being two years younger than she is now and being forced to ask her parents for permission to do something which she feels that she must make her own decision about.

3:07:35 PM

DEBRA CALDERA, Alaska Public Health Association (ALPHA), after noting that she is also the past president of the ALPHA and that one of the ALPHA's goals is to promote the public health, relayed that the 160 members of the ALPHA oppose HB 35. The ALPHA, like its parent organization [the American Public Health Association (APHA)], believes in the Alaska Supreme Court and U.S. Supreme Court rulings regarding the right of a woman to decide for herself issues concerning her reproductive health - the right of all women of all ages, in particular teenagers. During a crises pregnancy, regardless of a woman's age, all barriers must be removed to ensure that the woman, and teenagers in particular, feel free to access health and reproductive services. Requiring parental or judicial consent for a teenager

to obtain an abortion will, in some instances, place insurmountable barriers to care; these barriers can threaten her health and her safety. Ms. Caldera concluded by stating that the ALPHA is strongly opposed to HB 35.

3:08:50 PM

JULIE BARRY said she opposes HB 35, mentioning that her mother, who accompanied her to the committee hearing today, also supports her views. Ms. Barry relayed that she is currently pregnant, and thus issues pertaining to pregnancy are of particular interest to her. She noted that previous arguments have already been made that HB 35 will erect barriers to women in rural areas; will endanger - physically, emotionally, and economically - teenagers who come from abusive families; and will erect barriers to those abused teenagers. She pointed out that families often have less overt problems, problems which nonetheless pose significant challenges for Alaska's young women. And even when not abusive, some parents may just not have their daughter's best interest at heart; for example some parents of a pregnant teenager may desire the economic support that another PFD check or additional public assistance checks could provide.

MS. BARRY recounted that she knows of a girl whose mother rented a room to a man, that man had sex with the girl, the girl got pregnant, and the mother refused to give permission for her to get an abortion because she feared that the man would move out of the house and she would then lose an important source of income, whereas by making her daughter have the baby, it would result in a permanent source of income. This sort of influence from parents, Ms. Barry surmised, is not uncommon, though it is certainly inappropriate, she opined, when a young woman is considering whether or not to have a baby - it should instead be her own decision. She said she finds it troubling that arguments regarding abortion itself are being raised; instead, what should be considered is the issue of parental involvement, because she does agree with some of the bill's intentions: that it could provide vulnerable teenagers with increased support, that it does allow for family involvement. Unfortunately, the bill assumes that families will be supportive and assumes that families will keep their daughter's best interests in mind, because although such is usually the case, it isn't always.

MS. BARRY offered her understanding that other states which have enacted parental consent laws have seen increases in the number of abortions. So although some people support HB 35 in the

hopes that it will decrease the number of abortions - a concept with which, she remarked, she agrees - she thinks that they are misguided, and that such hopes are therefore a misguided reason to support the bill. In conclusion, she offered her belief that providing comprehensive sexual education would instead be the best way to decrease the number unintended pregnancies and hence the number of abortions, adding that she thinks the legislature's time would be better spent on that effort.

[3:12:37 PM](#)

MONIQUE KARAGANIS, M.D., Pediatrics, said that one of the most important aspects of being a pediatrician is being an advocate for the teenagers she's had the privilege to care for. Dr. Karaganis referred to Ms. Tiana Odden's testimony, and opined that it's important that someone speak and advocate for those people who are unable to vote because they are still underage. Dr. Karaganis pointed out that there are also other instances in which a teenager could be reluctant to talk with his/her parents, such as if he/she had an STD and was seeking treatment, or had a substance abuse problem and was seeking treatment, or was homosexual but unsure about when to disclose that fact. Teenagers, she surmised, inherently know their own situation better than this legislative body could, and so therefore are able to make a better decision about when and where it is emotionally, psychologically, and physically safe to reveal intimate aspects of their lives to their parents.

DR. KARAGANIS opined that the bill's attempt at mandating such revelations to parents puts teenagers at risk in multiple ways. For example, when other states have enacted parental consent or parental notification laws, it's resulted in an increase in late-term abortions, which are inherently medically riskier. To believe that HB 35 would in any way discourage teenage pregnancy, she surmised, assumes that the teenage brain is developed enough to think three or four steps ahead, [and since that's not the case], HB 35 won't succeed in discouraging either the number of teenage pregnancies that occur or the number of abortions that then result. The bill will, however, increase physical, emotional, and psychological risks to teenage girls. For this reason, as an advocate for teenagers, she feels she must speak for them on this issue.

DR. KARAGANIS asked members to consider the reverse situation: if a pregnant minor didn't want to have an abortion, but there was a statutory requirement that her parents be notified and that she obtain their consent in order to give birth, would

legislators then be advocating for the parents' right to stop their daughter from giving birth? She surmised that legislators would not, and that HB 35, therefore, represents an attempt at forcing motherhood on teenage girls who aren't ready for such a responsibility. Statistics regarding what happens to the children of teenage mothers suggest that when a young woman doesn't feel ready to be a parent, she should be supported in that decision, Dr. Karaganis concluded.

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

[3:16:12 PM](#)

BRYN WINTERBERGER indicated that although there might be room for improvement, she currently has pretty good communication with her parents, and relayed that because she has taken sexual education classes that were taught by her father, she feels comfortable speaking to her parents about such matters, whereas most of her friends would not even consider discussing such things with their parents and furthermore aren't as well informed as she is. And she, herself, she added, would be uncomfortable talking to her parents about so serious an issue as an unwanted pregnancy, because she wouldn't know how they would react; for example, if she thought they would react negatively, she would be rather hesitant to raise the issue with them. Again, she said, she has several friends who just don't have good communication with their parents, particularly about such serious issues as becoming pregnant or wanting an abortion, and since that's the case currently, that's unlikely to be changed merely by the enactment of HB 35.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

[3:19:07 PM](#)

KEN WINTERBERGER, after noting that he is the father of two daughters, said that he opposes HB 35. Mandated parental consent and notification might put more Alaska teenagers at risk than are already at risk. Parents should indeed want to be involved in their teenager's lives, and he and his wife do want their daughters to come to them if they become pregnant, and seriously hope that they would do so; however, in reality, a law such as HB 35 doesn't work, and he can't envision how any law can mandate family communication, he remarked. There are too many families in which the kind of communication being mandated by HB 35 could in fact be dangerous, and teenagers who are

forced to do something that is frightening tend to make desperate decisions.

MR. WINTERBERGER said that such teenagers may wait too long before speaking to anyone and thereby delay obtaining any medical services, or they may research the Internet for ways to abort on their own. If the State is really interested in mandating family communication regarding sexuality and the unintended outcomes of sexual activity, then the State should really put more efforts into providing comprehensive sexual education, which, he relayed, he has spent almost 10 years teaching at his church; the comprehensive sexual education he teaches emphasizes communication. He too noted that in states which have enacted parental consent laws, the number of late-term abortions obtained by teenagers has increased. Furthermore, even in states that limit access to legal abortion and make obtaining an abortion intimidating or complicated - as HB 35 proposes to do in Alaska - women still get abortions.

MR. WINTERBERGER, in conclusion, expressed concern over what he characterized as the politicizing of abortion at the expense of the health and safety of Alaska's teenagers, and stated that he didn't think that that's good policy.

[3:21:39 PM](#)

MARGARET GADSDEN urged the committee to vote against HB 35, characterizing it as a safety issue. To pass a law that requires communication among families would only endanger the lives of young women. Not all young women live in households wherein it's safe for them to share information about an unwanted pregnancy with their parents, but they still deserve to have access to affordable, safe healthcare. She opined that the legislature should never enact legislation that would jeopardize an individual's right to healthcare, and yet that's just what HB 35 would do. She said that in her job as a high school counselor, she's spoken to many teenage girls about pregnancy, and therefore she thinks that the best thing to do as a state to help improve the lives of all Alaskans would be to institute comprehensive, medically-accurate, age-appropriate sex education in Alaska's public schools. The lack of information available to young people is astonishing; consider, for example, that according to the Centers for Disease Control and Prevention (CDC), the rate of teenage pregnancy in Alaska since 2006 has increased 19 percent, and that there is still a high rate of STDs among Alaska's teenagers. This illustrates that what is

really needed is education, not legislation that will limit young people's access to health care and information.

[HB 35 was held over.]

[3:23:46 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:23 p.m.