

**ALASKA STATE LEGISLATURE**  
**SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

March 30, 2016

1:32 p.m.

**MEMBERS PRESENT**

Senator Bert Stedman, Chair  
Senator Bill Stoltze  
Senator Johnny Ellis

**MEMBERS ABSENT**

Senator Pete Kelly  
Senator Cathy Giessel, Vice Chair

**COMMITTEE CALENDAR**

SENATE BILL NO. 113

"An Act relating to prescribing, dispensing, and administering an investigational drug, biological product, or device by physicians for patients who are terminally ill; and providing immunity for persons manufacturing, distributing, or providing investigational drugs, biological products, or devices."

- MOVED CSSB 113(HSS) OUT OF COMMITTEE

SENATE BILL NO. 156

"An Act relating to insurance coverage for contraceptives and related services; relating to medical assistance coverage for contraceptives and related services; and providing for an effective date."

- MOVED CSSB 156(HSS) OUT OF COMMITTEE

SENATE BILL NO. 179

"An Act prohibiting abortions when the unborn child is viable outside the pregnant woman's womb with certain exceptions; providing that an infant removed from a pregnant woman's womb alive after an abortion may be surrendered and found to be a child in need of aid; and repealing a prohibition against partial-birth abortions."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 113

SHORT TITLE: NEW DRUGS FOR THE TERMINALLY ILL

SPONSOR(s): SENATOR(s) WIELECHOWSKI

04/17/15 (S) READ THE FIRST TIME - REFERRALS  
04/17/15 (S) HSS, JUD  
02/24/16 (S) HSS AT 1:30 PM BUTROVICH 205  
02/24/16 (S) Heard & Held  
02/24/16 (S) MINUTE(HSS)  
03/30/16 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 156

SHORT TITLE: INSURANCE COVERAGE FOR CONTRACEPTIVES

SPONSOR(s): SENATOR(s) GARDNER

01/22/16 (S) READ THE FIRST TIME - REFERRALS  
01/22/16 (S) HSS, L&C  
02/24/16 (S) HSS AT 1:30 PM BUTROVICH 205  
02/24/16 (S) Heard & Held  
02/24/16 (S) MINUTE(HSS)  
03/30/16 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 179

SHORT TITLE: BAN LATE TERM ABORTION; CHILD SURRENDER

SPONSOR(s): SENATOR(s) COGHILL

02/12/16 (S) READ THE FIRST TIME - REFERRALS  
02/12/16 (S) HSS, JUD  
03/30/16 (S) HSS AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

SENATOR BILL WIELECHOWSKI

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** As sponsor, introduced SB 113.

SENATOR BERTA GARDNER

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 156.

KATIE BRUGGEMAN, Staff

Senator Berta Gardner

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Presented changes made in version N of SB 156.

SENATOR JOHN COGHILL  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As sponsor, introduced SB 179.

RYNNIEVA MOSS, Staff  
Senator John Coghill  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented information on SB 179 on behalf of the sponsor.

#### **ACTION NARRATIVE**

[1:32:55 PM](#)

**CHAIR BERT STEDMAN** called the Senate Health and Social Services Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Ellis, Stoltz, and Chair Stedman. He noted three bills before the committee, SB 113, SB 156, and SB 179.

#### **SB 113-NEW DRUGS FOR THE TERMINALLY ILL**

[1:33:42 PM](#)

**CHAIR STEDMAN** announced the consideration of SB 113.

[1:34:33 PM](#)

**SENATOR BILL WIELECHOWSKI**, Alaska State Legislature, as sponsor, introduced SB 113. He termed SB 113 the "Right to Try" bill. It would create a legal climate in which terminally ill patients who have exhausted all FDA-approved treatment options may work with their doctors and drug manufacturers to access investigational treatments that have passed Phase I of the FDA approval process but are not yet widely available. A similar bill has been passed in 25 states. It is estimated that over a million Americans die from terminal illness. Currently, only about 3 percent are accepted into clinical trials and have access to these drugs.

**SENATOR STOLTZE** thanked the sponsor for answering all his questions.

[1:36:07 PM](#)

SENATOR ELLIS moved to report SB 113, labeled 29-LS0783\H, from committee with individual recommendations and attached zero fiscal note. There being no objection, the motion carried.

**SB 156-INSURANCE COVERAGE FOR CONTRACEPTIVES**

[1:36:26 PM](#)

CHAIR STEDMAN announced the consideration of SB 156.

[1:36:56 PM](#)

SENATOR ELLIS moved to adopt CSSB 156, labeled 29-LS1144\N.

CHAIR STEDMAN objected for discussion.

[1:37:13 PM](#)

SENATOR BERTA GARDNER, Alaska State Legislature, sponsor of SB 156.

KATIE BRUGGEMAN, Staff, Senator Berta Gardner, Alaska State Legislature, presented changes made in version N of SB 156, noting there were several errors in the previous version. The wording "over the counter contraception" was removed throughout the bill, which resulted in the removal of a fiscal note for \$1.3 million from Department of Health and Social Services (DHSS).

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CHAIR STEDMAN removed his objection.

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MS. BRUGGEMAN explained that the bill is an insurance mandate that would offer the option of providing 12 months of self-administered hormonal contraception. It would allow Alaskan women the opportunity to receive a larger supply of contraceptives should their life-style require it. It is an option for women.

She pointed out that there is currently a negative fiscal note from DHSS of \$1.2 million in FY 17. It is a federal savings of \$1 million and \$230,000 in GF savings via the Medicaid program. She explained that there are many reasons women use hormonal contraceptives, not just to prevent pregnancy. She concluded that the bill is great policy for Alaska because it helps women achieve their education and career goals through strategic family planning and is a positive economic step for families. It fosters a woman's right to privacy and aids in convenience.

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SENATOR GARDNER noted this is not a new insurance coverage benefit. It provides that after a three-month period for the first dispensing, if a doctor deems it satisfactory to continue, a women can request a 12-month supply of contraceptives, if they choose. They would have to pay insurance co-pays, but may save money by buying in bulk.

[1:41:49 PM](#)

SENATOR ELLIS moved to report CSSB 156(HSS), labeled 29-LS1144\N, from committee with individual recommendations and attached fiscal note. There being no objection, the motion carried.

**SB 179-BAN LATE TERM ABORTION; CHILD SURRENDER**

[1:42:32 PM](#)

CHAIR STEDMAN announced the consideration of SB 179.

[1:42:53 PM](#)

SENATOR JOHN COGHILL, Alaska State Legislature, as sponsor, introduced SB 179. He explained that the bill provides that if a baby is found to be viable under a doctor's judgement, and a mother requests an abortion, the baby would be delivered and given up as a child in need of aid. He noted that "viability" is a new concept in law. The bill repeals the partial-birth abortion ban that has been found unconstitutional.

He referred to a booklet that contains several studies on abortion. It shows which states and countries have various bans on abortions. The U.S. is only one of seven countries out of 198 that permit elective abortions past 20 weeks. The U.S fits in between allowing bans between 20 to 22 weeks. He discussed the survival rate at various weeks. He referred to a Gallop Poll that found that 80 percent say during the last months of pregnancy, the fetus should be treated as viable.

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He discussed Roe v. Wade and said the Supreme Court maintains that states have an interest in protecting the life of a fetus after viability - the point at which the fetus is capable of living outside the womb. He read that the compelling point is at viability and the state may go as far as prohibiting abortion at that period, except to preserve the life of the mother.

He stated that Planned Parenthood v. Central Missouri upheld the viability clause, as did Planned Parenthood v. S.E.

Pennsylvania. The bill tries to protect the life of the mother and fetus, and allows the doctor to determine viability. He used another example of *Gonzales v. Carhart* to make his point about the viability clause.

[1:50:00 PM](#)

SENATOR COGHILL concluded that he has tried to maintain a women's right, as well as viability. He concluded that viability is the big question when determining the value of life. He referred to wording on page 2, lines 11 - 13, which addresses the clinical judgment of a doctor to determine viability. He highlighted Section 1 regarding when an abortion may be performed. He discussed DHSS's involvement regarding CINA when the state takes custody of the child.

[1:52:21 PM](#)

SENATOR ELLIS asked about the phrase "meaningful life" as it applies to viability.

SENATOR COGHILL said that is his own term. The legal term is viability and there is a definition of viability in the bill and it is dependent on a doctor's integrity.

CHAIR STEDMAN asked whether Legislative Legal has concerns about SB 179.

RYNNIEVA MOSS, Staff, Senator John Coghill, Alaska State Legislature, presented information on SB 179 on behalf of the sponsor. She said Legislative Legal has no legal opinion of version W.

[1:54:24 PM](#)

SENATOR STOLTZE asked whether the term is "unborn baby" or "fetus."

SENATOR COGHILL said "fetus" means "baby" and he uses them interchangeably.

He thanked the committee for hearing the bill. He noted the issue has been hotly debated. It is about a baby that could survive an unwanted pregnancy. He said an abortion can be performed and still have a live birth and viability becomes the question. SB 179 is important for Alaska where "we value life very highly." It is a move in the right direction and is a matter that must be argued under the auspices of the law. The bill has respect for the life of a woman and the child, who may not be wanted.

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SENATOR ELLIS asked who files the CINA petition and what the burden on the state is.

MS. MOSS explained that if the child is unwanted, the physician or health practitioner would contact Office of Children's Services (OCS) who would take custody of the child.

SENATOR ELLIS asked if OCS would designate that child as a child in need of aid.

MS. MOSS said yes.

1:57:16 PM

CHAIR STEDMAN held SB 179 in committee.

1:57:22 PM

There being no further business to come before the committee, Chair Stedman adjourned the Senate Education Standing Committee at 1:57 p.m.