

Introduced: 3/20/69  
Referred: Health, Welfare  
and Education and Judiciary

1 IN THE HOUSE

BY SACKETT

2 HOUSE BILL NO. 312

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to therapeutic abortions."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 18 is amended by adding a new chapter to read:

9 CHAPTER 27. THERAPEUTIC ABORTIONS.

10 Sec. 18.27.010. LIMITATIONS. No person may terminate, attempt to  
11 terminate, or assist in termination or attempt of a human pregnancy  
12 otherwise than by birth, except that a physician licensed under AS 08.-  
13 64 may terminate, attempt to terminate, or assist in termination or  
14 attempt of a human pregnancy if the act takes place in a hospital  
15 licensed under ch. 20 of this title and if a therapeutic abortion board  
16 provided for in this chapter gives unanimous approval and if the follow-  
17 ing condition exists:

18 (1) a woman pregnant with child requests the termination of  
19 the pregnancy; or if the woman is under the age of 18 years, then at  
20 her request and the request of either her husband, or if unmarried, at  
21 the request of a parent or legal guardian; and

22 (2) continuation of the pregnancy, in the opinion of the  
23 board provided for in this chapter is likely to result in the death of  
24 the woman; or the serious permanent impairment of the physical health  
25 of the woman; or the serious permanent impairment of the mental health  
26 of the woman as confirmed in writing under the signature of a doctor of  
27 medicine licensed under AS 08.64 and specializing in psychiatry; or the  
28 birth of a child with grave and permanent physical deformity or mental  
29 retardation or the pregnancy resulted from criminal rape as defined by

1 AS 11.15.120; or criminal incest as defined by AS 11.40.110.

2 Sec. 18.27.020. THERAPEUTIC ABORTION BOARD. A hospital licensed  
3 under ch. 20 of this chapter which assents to the performance of thera-  
4 peutic abortions as set out in sec. 10 of this chapter shall appoint  
5 three licensed physicians authorized to treat patients within the  
6 hospital to a therapeutic abortion board. Each physician shall serve  
7 a term of two years. The board shall use the guidelines of this  
8 chapter, except in matters of professional opinion, in reaching its  
9 determination to allow or disallow the abortion but in no case may a  
10 hospital appoint as a member of the board a physician who disagrees for  
11 moral or personal reasons with the grounds for a therapeutic abortion  
12 as provided for in this chapter. The board shall review each appli-  
13 cation for a therapeutic abortion and timely approve the application  
14 by unanimous assent or report the application as disapproved.

15 Sec. 18.27.030. PROOF IN RAPE AND INCEST. If an applicant seeking  
16 an abortion claims the pregnancy is due to either rape or incest as  
17 defined by sec. 10 of this chapter, the application shall be accom-  
18 panied by a signed statement from the district attorney of the district  
19 in which the applicant resides, stating that there is probable cause  
20 to believe that the pregnancy occurred from rape or an incestious  
21 connection.

22 Sec. 18.27.040. DURATION OF PREGNANCY. Except in the case of  
23 danger to the life or health of the woman as set out in sec. 10 of this  
24 chapter, no pregnancy may be terminated under this chapter after the  
25 20th week of pregnancy.

26 Sec. 18.27.050. WRITTEN RECORDS. Each board provided for in  
27 this chapter shall keep written records of all applications for thera-  
28 peutic abortions and the action taken. Each hospital assenting to the  
29 performance of therapeutic abortions shall submit an annual report to

1 the Department of Health and Welfare containing the number of applica-  
2 tions, authorizations and performances of abortions, the grounds upon  
3 which the applications were granted or denied and the procedures  
4 employed to perform the abortions so that the Department of Health and  
5 Welfare may determine whether adequate and proper procedures are being  
6 followed. Under no circumstances may this section be construed so that  
7 the information required would violate the physician - patient privilege.  
8 The date required by this section shall be made public by the Depart-  
9 ment of Health and Welfare.

10 Sec. 18.27.060. DEFINITIONS. In this chapter "assenting hospital"  
11 means a hospital licensed under ch. 20 of this chapter which does not  
12 have a religious affiliation which forbids the abortions provided for  
13 in this chapter.

14 \* Sec. 2. AS 11.15.060 is amended to read:

15 Sec. 11.15.060. ABORTION. A person who administers to a  
16 woman pregnant with a child any medicine, drug, or substance whatever,  
17 or uses an instrument or other means, with the intent to destroy the  
18 child, unless the action is necessary to preserve the life of the  
19 mother, or unless the action is legally taken under AS 18.27, is, if  
20 the death of the child or mother is thereby produced, guilty of man-  
21 slaughter, and is punishable accordingly.