

Introduced: 3/6/70
Referred: Judiciary

BY THE HEALTH, WELFARE
AND EDUCATION COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 776

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the artificial interruption of
7 pregnancy."

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

9 * Section 1. The legislature takes notice of the fact that the Alaska
10 courts have interpreted the prohibition of AS 11.15.060 against criminal
11 abortions as not applying to the artificial interruption of a pregnancy be-
12 fore the quickening of the fetus, at approximately the 20th week of preg-
13 nancy, whether performed by a physician or any other person. In recognition
14 of this fact the legislature, through this Act, intends to prohibit the
15 performance of abortions at any stage of pregnancy by persons who are not
16 licensed physicians. It is the further intent of the legislature and the
17 purpose of this Act to recognize that the artificial interruption of a
18 pregnancy by a physician licensed in this state, with the consent of the
19 woman, is a matter of the practice of medicine and is not subject to the
20 criminal laws of this state.

21 * Sec. 2. AS 11.15.060 is amended to read:

22 Sec. 11.15.060. ABORTION. A person, except a physician licensed
23 in the state, who administers to a pregnant woman [PREGNANT WITH A
24 CHILD] any medicine, drug, or substance whatever, or who uses an instru-
25 ment or other means, with intent to interrupt the pregnancy [DESTROY
26 THE CHILD, UNLESS THE ACTION IS NECESSARY TO PRESERVE THE LIFE OF THE
27 MOTHER,] is [, IF THE DEATH OF THE CHILD OR MOTHER IS THEREBY PRODUCED,
28 guilty of a felony [MANSLAUGHTER], and is punishable [ACCORDINGLY] by
29 imprisonment for not less than one year nor more than five years. The

1 artificial interruption of pregnancy by a physician licensed in the
2 state, with the informed consent of the woman, and after consultation
3 with her husband if married, is a matter of medical practice and is not
4 prohibited by the criminal laws of the state. If the woman is an
5 unmarried minor, the physician must obtain the consent of the minor's
6 parent or guardian that the minor resides with, or the Department of
7 Health and Welfare. The abortion must be performed in a facility which
8 conforms to the current acceptable standards of organized medicine and
9 hospitals.

10 * Sec. 3. AS 08.64.380(3)(A) is repealed.
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