

Original sponsor: Health, Welfare and  
Education Committee

Offered: 4/1/70  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR 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.

1 \* Sec. 3. AS 08.64 is amended by adding a new section to read:

2       Sec. 08.64.362. ARTIFICIAL INTERRUPTION OF PREGNANCY. (a) The  
3 artificial interruption of pregnancy by a physician licensed in the  
4 state, with the knowledgeable consent of the woman, is a matter of  
5 medical practice and is not prohibited by the criminal laws of the  
6 state. However, the woman whose pregnancy is to be artificially  
7 interrupted must be domiciled in the state or physically present in  
8 the state for 60 days immediately preceding the artificial interrup-  
9 tion. The affidavit of the woman shall be considered as prima facie  
10 evidence of her compliance with this requirement. If the woman is an  
11 unmarried minor, the physician must obtain the consent of the minor's  
12 parent or guardian with whom the minor resides, or the Department of  
13 Health and Welfare. The artificial interruption of pregnancy must be  
14 performed in a facility which conforms to the current acceptable  
15 standards of organized medicine and hospitals. Nothing in this section  
16 requires a hospital or person to participate in an artificial interrup-  
17 tion of pregnancy, nor is any hospital or person liable for refusing to  
18 participate in an artificial interruption of pregnancy.

19       (b) A violation of any of the provisions of (a) of this section  
20 is a matter of professional discipline by the State Medical Board and  
21 the board shall adopt regulations providing for the revocation or sus-  
22 pension of the license of a person who violates such a provision.

23 \* Sec. 4. AS 08.64.380(3)(A) is repealed.  
24  
25  
26  
27  
28  
29