

Original sponsor: Rader

Offered: 2/11/70
Referred: Judiciary

1 IN THE SENATE

BY THE HEALTH, WELFARE
AND EDUCATION COMMITTEE

2 CS FOR SENATE BILL NO. 411

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 abortions."

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

8 * Section 1. AS 11.15.060 is repealed and re-enacted to read:

9 Sec. 11.15.060. ABORTION. (a) A person, not a physician, who
10 provides to a woman, or procures a woman to take, a drug, medicine, or
11 substance, or uses any instrument or other means whatever upon a woman
12 with intent to induce an abortion of a woman is punishable by imprison-
13 ment for not less than one year nor more than five years. For purposes
14 of this section it shall not be necessary to prove that the woman was
15 in fact pregnant, nor that an artificial interruption of pregnancy
16 occurred.

17 (b) A physician who provides to a woman, or procures a woman to
18 take, a drug, medicine, or substance, or uses any instrument or other
19 means whatever upon a woman, with intent to induce an abortion of a
20 woman after the 12th week of gestation without the express authorization
21 of the therapeutic abortion committee of the hospital at which the
22 abortion is to be performed, or a physician who provides to a woman,
23 or procures a woman to take, a drug, medicine, or substance, or uses
24 any instrument or other means whatever upon a woman, with intent to
25 induce an abortion of a woman after the 12th week of gestation in any
26 place other than a hospital is guilty of a felony, and upon conviction
27 is punishable by imprisonment for a period of not less than three, nor
28 more than five years.

29 (1) A physician may terminate a woman's pregnancy if the

1 therapeutic abortion committee of the hospital at which the abortion is
2 to be performed has determined that the continuation of the pregnancy
3 will gravely impair the mental or physical health of the woman, that
4 the husband, if any and if available, of the pregnant woman has been
5 consulted, and that, in a nonemergency case, a period of at least 72
6 hours will transpire between the time of the request for the operation
7 and the time of the operation.

8 (2) Every hospital performing therapeutic abortions shall
9 have a therapeutic abortion committee of three persons chosen by the
10 hospital. The purpose of the committee is to determine which applicants
11 for therapeutic abortions, if any, warrant abortions. The committee
12 shall register with the Department of Health and Welfare and certify
13 to the commissioner each abortion approved, the reason for the abortion
14 and such other information as the commissioner may by general regulation
15 require.

16 (c) The artificial interruption of pregnancy by a licensed
17 physician before 12 weeks of gestation, provided that the husband, if
18 any and if available, of the pregnant woman has been consulted, and that,
19 in a nonemergency case, a period of at least 72 hours will transpire
20 between the time of the request for the operation and the time of the
21 operation, is a matter of practice of medicine and not prohibited by
22 criminal law.

23 * Sec. 2. (a) The provisions of the abortion law in this Act shall be-
24 come effective 30 days after the secretary of state certifies that the
25 voters in the general election of 1970 affirmatively approved the following
26 referendum which shall be placed before the voters at that election:

27 Shall the provisions of Chapter of the Session Laws of Alaska
28 1970, which permits abortion in certain cases approved by therapeutic
29 abortion committees and permits abortion by a licensed physician in

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certain cases before 12 weeks of gestation, be approved?

YES

NO

(b) The secretary of state shall fill in the blank in (a) of this section designating the chapter number of this Act and shall make copies of this Act available to voters in the primary and general elections in 1970.