

Original sponsor: Rader

Offered: 2/26/70
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY 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 AS 11.15.060 is repealed and re-enacted to read: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 causes a woman to take, a drug, medicine, or
11 substance, or uses any instrument or other means whatever upon a
12 woman with intent to induce an abortion of a woman is punishable by
13 imprisonment for not less than one year nor more than five years. For
14 purposes of this section it shall not be necessary to prove that the
15 woman was in fact pregnant, nor that an artificial interruption of
16 pregnancy occurred.

17 (b) A physician who provides to a woman, or causes 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 16th week of gestation without the express authoriza-
21 tion 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 causes a woman to take a drug, medicine, or substance, or uses any
24 instrument or other means whatever upon a woman, with intent to induce
25 an abortion of a woman after the 16th week of gestation in any place
26 other than a hospital is guilty of a felony, and upon conviction is
27 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
2 is to be performed has determined that the continuation of the pregnancy
3 will gravely impair the physical health of the woman, and the husband,
4 if any and if available, has been consulted.

5 (2) Every hospital in which therapeutic abortions are per-
6 formed shall have a therapeutic abortion committee of at least three
7 persons chosen by the hospital. The purpose of the committee is to
8 determine which applicants for therapeutic abortions, if any, warrant
9 abortions. The committee must have at least one member who is a
10 medical doctor licensed to practice medicine in Alaska. The committee
11 must be registered with the Department of Health and Welfare and
12 certify to the commissioner each abortion approved, the reason for
13 the abortion, and such other information as the commissioner may by
14 regulation require.

15 (3) "Hospital" as used in this section means a hospital
16 licensed by the Department of Health and Welfare under AS 18.20.010 -
17 18.20.130. "Physician" as used in this section means a medical
18 doctor licensed by the State Medical Board under AS 08.64.200.

19 (c) An abortion performed by a licensed physician before the
20 16th week of gestation is a matter of practice of medicine not pro-
21 hibited by criminal law provided the husband, if any and if available,
22 has been consulted. However, a physician may not perform an abortion
23 on a woman less than 18 years of age without her consent and the
24 consent of her parent or guardian, nor may a physician perform an
25 abortion sooner than seven days after first requested to do so by the
26 patient unless an emergency exists and the continuation of the preg-
27 nancy will gravely impair the physical health of the patient as defined
28 by regulations promulgated by the State Medical Board.

29 (d) Nothing in this section shall be construed so as to require

1 a hospital to permit abortions, a physician to perform an abortion, or
2 a woman to subject herself to an abortion against her will.

3 * Sec. 2. AS 08.64 is amended by adding a new section to read:

4 Sec. 08.64.105. REGULATION OF ABORTION PROCEDURES. The State
5 Medical Board shall adopt regulations necessary to carry into effect
6 the provisions of AS 11.15.060 and shall define ethical, unprofessional
7 or dishonorable conduct as related to abortions, set standards of
8 professional competency in the performance of abortions and establish
9 procedures and set standards for facilities, equipment and care of
10 patients in the performance of an abortion.

11 * Sec. 3. AS 08.64.380(3)(A) is repealed and re-enacted to read:

12 (A) a violation of the provisions of AS 11.15.060 or
13 any regulations lawfully adopted by the State Medical Board con-
14 cerning abortion procedures and practice;