

**HOUSE BILL NO. 9**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES B.DAVIS, Brice, Sitton, Ulmer**

**Introduced: 1/11/93**

**Referred: Community & Regional Affairs, Health, Education & Social Services,  
Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to reproductive rights of women; limiting the extent to which  
2 a state agency or political subdivision of the state may restrict the freedom of  
3 a woman to choose whether or not to terminate a pregnancy; and providing for  
4 an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 18.16 is amended by adding new sections to read:

7           **Sec. 18.16.011. FREEDOM TO CHOOSE.** A state agency or political  
8           subdivision of the state

9                   (1) may not restrict the freedom of a woman to choose whether or not  
10           to terminate a pregnancy before fetal viability;

11                   (2) may, consistent with AS 18.16.020, restrict the freedom of a woman  
12           to choose whether or not to terminate a pregnancy after fetal viability;

13                   (3) may, consistent with AS 18.16.020, impose requirements on the  
14           performance of procedures to terminate a pregnancy.

1           **Sec. 18.16.020. REGULATIONS.** The Department of Health and Social  
2 Services, the State Medical Board, or a political subdivision of the state that is  
3 otherwise authorized to do so may adopt regulations or ordinances, as appropriate, to

4                   (1) restrict the freedom of a woman to choose whether or not to  
5 terminate a pregnancy after fetal viability; however, the restrictions adopted under this  
6 paragraph may not be applicable to a termination that is necessary to preserve the life  
7 or health of the woman;

8                   (2) impose requirements on the performance of procedures to terminate  
9 a pregnancy at any stage of fetal development if the requirements are medically  
10 necessary to protect the health of the woman undergoing the procedures.

11           **Sec. 18.16.030. CONSCIENCE CLAUSE.** Nothing in AS 18.16.011 requires  
12 a hospital or individual to participate in a pregnancy termination to which the hospital  
13 or individual is conscientiously opposed, nor is a hospital or individual liable under  
14 this section for refusing to participate in a pregnancy termination to which the hospital  
15 or individual is conscientiously opposed.

16           **Sec. 18.16.040. PHYSICIAN REQUIRED.** (a) An individual may not  
17 intentionally terminate the pregnancy of another unless the individual is licensed as a  
18 physician or surgeon under AS 08.64.

19                   (b) An individual who violates (a) of this section is guilty of a class C felony.

20           **Sec. 18.16.100. SHORT TITLE.** This chapter may be cited as the "Freedom  
21 of Choice Act."

22 \* **Sec. 2.** AS 08.64.326(a) is amended to read:

23                   (a) The board may impose a sanction if the board finds after a hearing that a  
24 licensee

25                           (1) secured a license through deceit, fraud, or intentional  
26 misrepresentation;

27                           (2) engaged in deceit, fraud, or intentional misrepresentation while  
28 providing professional services or engaging in professional activities;

29                           (3) advertised professional services in a false or misleading manner;

30                           (4) has been convicted, including conviction based on a guilty plea or  
31 plea of nolo contendere, of

1 (A) a felony or other crime if the felony or other crime is  
2 substantially related to the qualifications, functions, or duties of the licensee;  
3 or

4 (B) a crime involving the unlawful procurement, sale,  
5 prescription, or dispensing of drugs;

6 (5) has procured, sold, prescribed, or dispensed drugs in violation of  
7 a law, regardless of whether there has been a criminal action;

8 (6) intentionally or negligently permitted the performance of patient  
9 care by persons under the licensee's supervision that does not conform to minimum  
10 professional standards even if the patient was not injured;

11 (7) failed to comply with this chapter, a regulation adopted under this  
12 chapter, or an order of the board;

13 (8) has demonstrated

14 (A) professional incompetence, gross negligence, or repeated  
15 negligent conduct; the board may not base a finding of professional  
16 incompetence solely on the basis that a licensee's practice is unconventional or  
17 experimental in the absence of demonstrable physical harm to a patient;

18 (B) addiction to, severe dependency on, or habitual overuse of  
19 alcohol or other drugs that impairs the licensee's ability to practice safely;

20 (C) unfitness because of physical or mental disability;

21 (9) engaged in unprofessional conduct or in lewd or immoral conduct  
22 in connection with the delivery of professional services to patients;

23 (10) has violated a regulation adopted under AS 18.16.020 or an  
24 ordinance that imposes requirements consistent with AS 18.16.020 [AS 18.16.010];

25 (11) has violated any code of ethics adopted by regulation by the board;

26 (12) has denied care or treatment to a patient or person seeking  
27 assistance from the physician if the only reason for the denial is the failure or refusal  
28 of the patient to agree to arbitrate as provided in AS 09.55.535(a); or

29 (13) has had a license or certificate to practice medicine in another state  
30 or territory of the United States, or a province or territory of Canada suspended or  
31 revoked unless the suspension or revocation was caused by the failure of the licensee

1 to pay fees to that state, territory, or province.

2 \* Sec. 3. AS 09.65.100(a) is amended to read:

3 (a) Medical and dental services for minors are governed by the following  
4 provisions: [EXCEPT AS PROHIBITED UNDER AS 18.16.010(a)(3),]

5 (1) a minor who is living apart from the minor's parents or legal  
6 guardian and who is managing the minor's own financial affairs, regardless of the  
7 source or extent of income, may give consent for medical and dental services for the  
8 minor;

9 (2) a minor may give consent for medical and dental services if the  
10 parent or legal guardian of the minor cannot be contacted or, if contacted, is unwilling  
11 either to grant or withhold consent; however, where the parent or legal guardian cannot  
12 be contacted or, if contacted, is unwilling either to grant or to withhold consent, the  
13 provider of medical or dental services shall counsel the minor keeping in mind not  
14 only the valid interests of the minor but also the valid interests of the parent or  
15 guardian and the family unit as best the provider presumes them;

16 (3) a minor who is the parent of a child may give consent to medical  
17 and dental services for the minor or the child;

18 (4) a minor may give consent for diagnosis, prevention or treatment of  
19 pregnancy, and for diagnosis and treatment of venereal disease;

20 (5) the parent or guardian of the minor is relieved of all financial  
21 obligation to the provider of the service under this section.

22 \* Sec. 4. AS 08.64.105 and AS 18.16.010 are repealed.

23 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).