

SB

181

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/21/97

FURTHER: Finance

Date of 5-Day Notice: 1/22/98
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 2/2/98

HESS Committee considered

SENATE BILL NO. 181

"An Act relating to assistance for abortions under the general relief program; and relating to financial responsibility for the costs of abortions."

and recommends:

- be replaced with CS SB 181 (HES)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
CHAIR:		CHAIR: <i>[Signature]</i>			

Applies to CS SB 181 (HES)

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

H+SS - Medical Assistance	1/26/98		3,132.0
H+SS - Public Assistance	1/29/98		720.4

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

CS FOR SENATE BILL NO. 181(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR WARD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to assistance for abortions under the general relief program."

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

3 * Section 1. AS 47.25.205 is amended to read:

4 Sec. 47.25.205. Priority of general relief medical assistance. (a) Except
5 as provided in (b) of this section, if [IF] the department finds that the cost of medical
6 assistance for all persons eligible under AS 47.25.120 - 47.25.300 will exceed the
7 amount allocated in the state budget for that assistance for the fiscal year, the
8 department shall eliminate coverage for medical services in the following order:

- 9 (1) abortions and related services and supplies, such as medical
- 10 supplies and equipment, transportation, laboratory and x-ray services, physician
- 11 services, hospital services, and pharmaceuticals, used for an abortion;
- 12 (2) treatment of speech, hearing, and language disorders;
- 13 (3) [(2)] optometrists' services and eyeglasses;
- 14 (4) [(3)] occupational therapy;
- 15 (5) [(4)] emergency dental services for adults;

- 1 (6) [(5)] prosthetic devices not including dentures;
- 2 (7) [(6)] medical supplies and equipment other than those used to
- 3 perform an abortion;
- 4 (8) [(7)] physical therapy;
- 5 (9) [(8)] outpatient laboratory and outpatient x-ray services other than
- 6 those used for an abortion;
- 7 (10) [(9)] ambulatory surgical center services other than services to
- 8 perform an abortion;
- 9 (11) [(10)] nonemergency medical transportation other than
- 10 transportation to obtain an abortion;
- 11 (12) [(11)] outpatient physician services other than services to
- 12 perform an abortion;
- 13 (13) [(12)] outpatient hospital services other than services to perform
- 14 an abortion;
- 15 (14) [(13)] intermediate care facility services;
- 16 (15) [(14)] skilled nursing facility services;
- 17 (16) [(15)] emergency medical transportation other than
- 18 transportation for an abortion;
- 19 (17) [(16)] pharmaceuticals other than those used in an abortion;
- 20 (18) [(17)] inpatient physician services other than services to perform
- 21 an abortion;
- 22 (19) [(18)] inpatient hospital services other than services to perform
- 23 an abortion.

24 * Sec. 2. AS 47.25.205 is amended by adding a new subsection to read:

25 (b) Notwithstanding (a) of this section, the department shall provide coverage

26 for abortions and related services and supplies in cases where a woman who is

27 otherwise eligible under AS 47.25.120 - 47.25.300 suffers from a physical disorder,

28 physical injury, or physical illness, including a life-endangering physical condition

29 caused by or arising from the pregnancy itself, that would, as certified by a physician

30 licensed under AS 08.64, place the woman in danger of death unless an abortion is

31 performed.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 181

Revision Date: _____
 Title: relating to assistance for abortions under
the general relief program
 Sponsor: Ward
 Requestor: Senate HESS

Dept. Affected: Health and Social Services
 BRU: Medical Assistance
 Component: Medicaid Non-Facility
 COMPONENT SERIAL NO. 229
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	5,385.2	7,109.6	8,036.9	9,081.5	10,253.9	11,586.3
MISCELLANEOUS						
TOTAL OPERATING	5,385.2	7,109.6	8,036.9	9,081.5	10,253.9	11,586.3

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	2,692.6	3,554.8	4,018.4	4,540.7	5,127.0	5,793.2
1003 GF Match	2,692.6	3,554.8	4,018.5	4,540.8	5,126.9	5,793.1
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	5,385.2	7,109.6	8,036.9	9,081.5	10,253.9	11,586.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

While this bill requires significant administrative action on the part of the division to recoup expenditures for abortions, it effectively eliminates funding for abortions under section 3, which places abortion procedures as number one on the priority list of services in AS 47.25.205. All services numbered 1 through 7 have not been funded under General Relief Medical Assistance since 1986.

This fiscal note assumes that 80% of the pregnant women eligible for Medicaid would give birth and remain on Medicaid should abortion funding become unavailable. This would account for 590 women, and their children, being added to Medicaid annually (newborns receive automatic Medicaid coverage through the first year of life if the mother is receiving Medicaid at the time of birth). FY 98 assumes only partial funding for newborns as their births will be scattered throughout the year, with some children born in the next fiscal year.

Prepared by: Nancy Weller
 Division: Medical Assistance

Phone: 465-3355
 Date: 04/23/97

Approved by Commissioner: Karen Pedue, Commissioner
 Agency: Department of Health & Social Services

Date: 4/24/97

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1998 LEGISLATIVE SESSIC

Revision Date: _____
 Title: relating to assistance for abortions under the
general relief medical program
 Sponsor: Martin
 Requestor: Finance

Dept. Affected: Health and Social Services
 DRU: Medical Assistance
 Component: Medicaid Non-Facility
 COMPONENT SERIAL NO. 229
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	5,385.2	7,109.6	8,033.8	9,084.2	10,265.1	11,599.6
MISCELLANEOUS						
TOTAL OPERATING	5,385.2	7,109.6	8,033.8	9,084.2	10,265.1	11,599.6

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts	3,220.3	4,187.5	4,804.2	4,741.9	5,358.4	6,054.9
1003 GF Match	2,164.9	2,922.1	3,229.6	4,342.3	4,906.7	5,544.7
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	6,385.2	7,109.6	8,033.8	9,084.2	10,265.1	11,599.6

POSITIONS:

	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

While this bill requires significant administrative action on the part of the division to recoup expenditures for abortions, it effectively eliminates funding for abortions under section 3, which places abortion procedures as number one on the priority list of services AS 47.25.205. All services numbered 1 through 7 have not been funded under General Relief Medical Assistance since 1986.

This fiscal note assumes that 80% of the pregnant women eligible for Medicaid would give birth and remain on Medicaid should abortion funding become available. This would account for 590 women, and their children, being added to the Medicaid Program annually (newborns receive automatic Medicaid coverage through their first year of life if the mother is receiving Medicaid at the time of birth). FY 99 assumes only partial funding for newborns, as their births will be scattered throughout the year, with some children born in the following year.

The federal match rate for Medicaid has been changed for a three year period, so this fiscal note assumes the higher match rate for FY 99-01, with a reduced federal match for following years.

Prepared by: Nancy Weller *NW* *BZ*
 Division: Medical Assistance
 Approved by Commissioner: Karen Perdue *KP*
 Agency: Department of Health & Social Services

Phone: 465-3355
 Date: 01/16/98
 Date: 1/20/98

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 234

Revision Date: _____
 Title: relating to assistance for abortions under
the general relief program
 Sponsor: Martin
 Requestor: Judiciary

Dept. Affected: Health and Social Services
 BRU: Medical Assistance
 Component: Medicaid Non-Facility
 COMPONENT SERIAL NO. 229
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	5,385.2	7,109.6	8,036.9	9,081.5	10,253.9	11,586.3
MISCELLANEOUS						
TOTAL OPERATING	5,385.2	7,109.6	8,036.9	9,081.5	10,253.9	11,586.3

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	2,692.6	3,554.8	4,018.4	4,540.7	5,127.0	5,793.2
1003 GF Match	2,692.6	3,554.8	4,018.5	4,540.8	5,126.9	5,793.1
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	5,385.2	7,109.6	8,036.9	9,081.5	10,253.9	11,586.3

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

While this bill requires significant administrative action on the part of the division to recoup expenditures for abortions, it effectively eliminates funding for abortions under section 3, which places abortion procedures as number one on the priority list of services in AS 47.25.205. All services numbered 1 through 7 have not been funded under General Relief Medical Assistance since 1986.

This fiscal note assumes that 80% of the pregnant women eligible for Medicaid would give birth and remain on Medicaid should abortion funding become unavailable. This would account for 590 women, and their children, being added to Medicaid annually (newborns receive automatic Medicaid coverage through the first year of life if the mother is receiving Medicaid at the time of birth). FY 98 assumes only partial funding for newborns as their births will be scattered throughout the year, with some children born in the next fiscal year.

Prepared by: Nancy Weller
 Division: Medical Assistance
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3355
 Date: 04/10/97
 Date: 4/21/97

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 181

Revision Date: 01/23/98
 Title: relating to assistance for abortions under the
general relief medical program
 Sponsor: Ward
 Requestor: HESS

Dept. Affected: Health and Social Services
 BRU: Medical Assistance
 Component: Medicaid Non-Facility
 COMPONENT SERIAL NO. 229
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	3,132.0	3,529.0	3,987.8	4,506.2	5,092.0	5,753.9
MISCELLANEOUS						
TOTAL OPERATING	3,132.0	3,529.0	3,987.8	4,506.2	5,092.0	5,753.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	1,872.9	2,110.3	2,084.0	2,354.9	2,661.1	3,007.0
1003 GF Match	1,259.1	1,418.7	1,903.8	2,151.3	2,430.9	2,746.9
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	3,132.0	3,529.0	3,987.8	4,506.2	5,092.0	5,753.9

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill eliminates funding for abortions for low income women by placing abortion procedures at the top of the priority list of services AS 47.25.205. All services numbered 1 through 7 have not been funded under General Relief Medical Assistance since 1986. This fiscal note assumes that 35% of the pregnant women eligible for Medicaid would give birth and remain on Medicaid should abortion funding become unavailable. This would account for 295 women, and their children, being added to the Medicaid Program annually (newborns receive automatic Medicaid coverage through their first year of life if the mother is receiving Medicaid at the time of birth). Two studies done in the State of Texas following elimination of state funding for abortion found that 40 and 35% of the women went on to give birth to babies when funding was unavailable. Although another study has shown that the rate could be as low as 20%, the department assumes that the higher percentage would be more accurate for Alaska because the cost of obtaining an abortion is higher due to the need for transportation services; while an abortion averages \$250 in the lower 48 states, the FY 97 Alaska experience is an average cost of \$601 largely due to the need to fly to another community to receive the service. This fiscal note shows the higher match rate for Alaska for FY 99-00, with a reduced federal match of 52.26% for following years.

1/26/98

Prepared by: Nancy Weller
 Division: Medical Assistance

Phone: 465-3355
 Date: 01/26/98

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 1/26/98

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REPRESENTATIVE
TERRY MARTIN
VICE-CHAIRMAN
BUDGET & AUDIT COMMITTEE
MEMBER
HOUSE FINANCE COMMITTEE

Alaska State Legislature



MAY 15 - JAN 15 258-8169
716 W. 4TH, SUITE 650
ANCHORAGE, AK 99504
JAN 15 - MAY 15 465-3783
STATE CAPITOL
JUNEAU, AK 99801-1182

Sponsor Statement

HB 234

John Manley,
Rep Martin's
staff, dropped
this info -
similar to SB 181 -
ward

"Relating to assistance for abortions under the general relief program; and relating to financial responsibility for the costs of abortions."

House Bill 234 provides a new measure of logic and consistency to the state's abortion law in two areas -- first, in establishing the procedure's priority on the official list of medical procedures the state will pay for under the general relief medical program; and second, by creating a mechanism by which the state can identify and hold financially responsible the would-be father.

The Governor has complained that the Legislature has not appropriated adequate funding in the general relief medical program to provide for the lowest priority items on the list. These include such necessities as eyeglasses and emergency dental care for the poor and elderly. Obviously, the Legislature agrees that these items should continue to be on the priority list. However, it is not logical that an elective procedure, such as abortion, should continue to hold a higher priority. HB 234 would eliminate the priority status that abortions have enjoyed at the expense of other, more essential demands.

HB 234 also allows the state to require payment from the pregnant woman, either partially or in full, for an elective abortion it has paid for under the general relief medical program.

And consistent with other provisions of state law, HB 234 would require that the male responsible for the pregnancy be identified and held financially responsible for an abortion sought under the general relief medical program. Currently, under Title 47, the state requires a woman seeking financial assistance from the state to identify the father of her dependent children. The state then recovers any costs it can from the father through the Child Support Enforcement Division. It is logical that if a father of a born child should be made to reimburse the state for state-funded services, so should the father of an unborn one that is aborted.

House Bill 234 represents a new benchmark in requiring accountable parties to accept the full responsibility for their actions. For too long, women have been able to obtain free abortions, courtesy of the state and at the expense of others who have medical needs that go unmet. At the same time, their male partners have had little more burden than to drive the woman to the abortion clinic, if that; often they simply abandon the woman.

If we are to continue to have a policy in Alaska of publicly-funded abortion, the state should do all it can to collect from the responsible persons.



Sectional Analysis

HB 234

"Relating to assistance for abortions under the general relief program; and relating to financial responsibility for the costs of abortions."

Sec. 1 establishes the financial responsibility of both parents for the costs of an abortion.

Sec. 2 would require a pregnant woman who is seeking an abortion under the general relief program to assign to DHSS the right to recover the costs of the abortion from the other parent and to cooperate in establishing who and where the other parent is.

Sec. 3 revises the priority list to give abortion services the lowest priority when funding is insufficient for the general relief program.

Sec. 4 clarifies that the state has a claim against the pregnant woman for abortion costs and that the permanent fund dividend of the woman is a resource the state can pursue.

Sec. 5 amends the current statute that already allows the state to pursue third parties to recover the cost of general relief cash assistance so that the statute also includes recovery of abortion costs from third parties, including the other parent.

Sec. 6 adds an authorization for the state to take a permanent fund dividend to recover the costs of an abortion from a third party.

Sec. 7 contains a revised definition of "abortion."

HB 234 has no effective date clause and would, therefore, become effective 90 days after it is signed or allowed to become law.

REPRESENTATIVE
TERRY MARTIN
VICE-CHAIRMAN
BUDGET & AUDIT COMMITTEE
MEMBER
HOUSE FINANCE COMMITTEE

Alaska State Legislature

MAY 15 - JAN 15 258-8169
716 W. 4TH SUITE 650
ANCHORAGE, AK 99504

JAN 15 - MAY 15 465-3783
STATE CAPITOL
JUNEAU, AK 99801-1182



MEMORANDUM

April 18, 1997

To: Representative Joe Green, Chairman
House Judiciary Committee

From: Representative Terry Martin *T.M.*

Subject: HB 234 - To be heard in committee Wednesday, April 23

HB 234 was introduced on April 4 and referred to the Judiciary committee. This bill proposes to make elective abortions the lowest priority on the list of general relief medical services paid for by the state, and would allow the state to recover the cost of an abortion from both responsible parties -- the pregnant woman and the man who got her that way.

I believe this bill simply makes good sense and was, in fact, inspired by the comments of Governor Knowles, who has pointed out how unfair it is that we in the legislature don't appropriate enough funding under the general relief medical program for eyeglasses for the poor and emergency dental care for the elderly. I would hope he would agree it is even more unfair that those services are bumped because the state is paying for an elective procedure, instead.

Attached to this memo are background materials you as a committee member will find useful in considering this bill. If you have questions about the bill or any of the materials, please contact either myself or John Manly of my staff at 465-3783. Thank you for your consideration of HB 234.



Correction to Terry Martin

points on financial qualifications for free abortion

1) it is women under 18 living at home who does not need to have her parents or guardians income considered.

2) in a medical emergency, the woman may apply for qualification after the fact.

Ted Deats

ALASKA CIVIL LIBERTIES UNION

An Affiliate of the American Civil Liberties Union

P. O. Box 201844 Anchorage, AK 99520-1844

Phone: 907-258-0044 Fax: 907-258-0288 E-Mail: akclu@alaska.net

TESTIMONY

To: Senate HESS Committee
From: Jennifer Rudinger, Executive Director
Date: January 30, 1998
Re: SB 181 (Abortion funding)

Good morning, Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify this morning on Senate Bill 181. My name is Jennifer Rudinger, and I am the Executive Director of the Alaska Civil Liberties Union. The ACLU is a non-profit, non-partisan organization with approximately 800 members in the state of Alaska, from Barrow to Ketchikan, from Nome to Tok. Our mission is to preserve and defend the guarantees of individual liberty found in the Bill of Rights and in the Alaska Constitution.

I am here today on behalf of our membership to implore you not to pass SB 181 out of this Committee because SB 181 is blatantly unconstitutional under our state constitution. I trust that you all heard about the Alaska Supreme Court's decision in November which stated in no uncertain terms that the right to choose to terminate a pregnancy is a fundamental right under the Privacy Clause in the Alaska Constitution. The case which I am referring is *Valley Hospital v. Mat-Su Coalition for Choice*. This was a case wherein the Board of Directors at Palmer Valley Hospital, a non-profit corporation which receives substantial public funding, voted to prohibit abortion services from being provided at the hospital. The Alaska Supreme Court found Valley Hospital's action to be in violation of a woman's fundamental right to an abortion under Article I, section 22 -- the so-called Privacy Clause in the Alaska Constitution. The Court states:

[W]e are of the view that reproductive rights are fundamental, and that they are encompassed within the right to privacy expressed in article I, section 22 of the Alaska Constitution. These rights may be legally constrained only when the constraints are justified by a compelling state interest, and no less restrictive means could advance that interest. Those fundamental reproductive rights include the right to an abortion. The scope of the fundamental right to an abortion that

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JAN-30-98 FRI 11:46

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JNU INFO

FAX NO. 9072581261

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P. 02

Rudinger, AkCLU

we conclude is encompassed within article I, section 22, is similar to that expressed in *Roe v. Wade*. We do not, however, adopt as Alaska constitutional law the narrower definition of that right promulgated in the plurality opinion in *Casey*. [p. 12]

In short, in Alaska, the state will be required to show the highest -- a "compelling state interest" -- why these services should be singled out for defunding. While the government need not create a medical assistance program in the first place, once it has done so, it must proceed with neutrality in regard to the exercise of a constitutional right. Specifically, the government may not manipulate that assistance in order to ensure that poor women who can't afford medical care on their own will exercise their right of reproductive choice only in a manner approved by the state. The religious beliefs of the legislature are not a "compelling state interest" sufficient to withstand constitutional scrutiny.

I am here to ask you to honor our state constitution. As Judge Reese stated last August in his decision to grant the AkCLU's motion to enjoin this legislature's ban on certain late-term abortion procedures, "Our law is the constitution, and our statutes must be drafted within its clear boundaries and bright lights." [p. 24]

Please vote against SB 161. Thank you.

Post-It™ brand fax transmittal memo 7671 # of pages 2

To	Sam Wilken	From	Sam
Co.	(5) HESS	Co.	Anch LIO
Dept.		Phone #	
Fax #		Fax #	

Written @ 1-30 mtg.



ALASKA CHAPTER

NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

318 4th Street, Juneau AK 99801
586-4438 Fax: 586-4439
naswak@alaska.net

Testimony Regarding

SB 181 - FUNDING FOR ABORTION UNDER GENERAL RELIEF MEDICAL

Before the
HEALTH EDUCATION AND SOCIAL SERVICES COMMITTEE
ALASKA SENATE
January 30, 1998

Presented by
Angela M. Salerno, ACSW
Executive Director,
National Association of Social Workers Alaska Chapter



NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

318 4th Street, Juneau AK 99801
586-4438 Fax: 586-4439
naswak@alaska.net

The National Association of Social Workers (NASW) is the world's largest organization of professional social workers. NASW's 155,000 members nationwide and 500 in Alaska work in a wide range of settings at all levels in the public and private sectors. Professional social workers focus on vulnerable populations and promote state and federal policies which enhance the lives of the people we serve.

NASW opposes SB 181 and strongly recommends its defeat.

This bill will eliminate the only source of public funding for abortions for poor women. If passed, this policy will be costly and unconstitutional.

- Research done in 1993 by the Alan Guttmacher Institute (AGI) showed that for every \$1 spent by government to pay for abortions for poor women, **about \$4 is saved in public medical and welfare expenditures** incurred as a result of the unintended birth.
- Research on "Pregnancy Planning and Wantedness" done by the Alaska Division of Public Health, Section of Maternal, Child and Family Health found that among low-income women (annual family income \leq \$10,000) 68% have unintended pregnancies and 17% have unwanted pregnancies. When public funds are unavailable, 30%-40% of low-income women who want to have an abortion carry their pregnancy to term. **Unwanted childbearing has been linked with costly consequences for women, families, children and the state. Unwanted children:**
 - experience more mental handicaps and are twice as likely to receive psychiatric care at government expense;
 - are more than twice as likely as wanted children to have a record of juvenile delinquency;
 - are six times more likely to receive some form of welfare between the ages of 16 and 21;
 - are at increased risk of suffering abuse, neglect, abandonment and removal to foster homes or institutions.
- Research done in 1995 shows that women with unintended pregnancies are **four times more likely to experience physical violence** during pregnancy than women with intended pregnancies.
- **The Alaska Supreme Court has found that reproductive rights are fundamental**, and that they are encompassed in the right to privacy found in the Alaska Constitution. State restrictions on public funding for abortion make it difficult and often impossible for poor women to exercise their constitutional right to safe and legal abortion. Passage of this bill would most likely result in yet another costly legal battle in the Alaska courts.

Thank you for the opportunity to present this testimony to the committee.

ALASKA WOMEN'S LOBBY

211 Fourth Street, Suite 108
Juneau, Alaska 99801
Tel: 907-4636744
Fax: 907-586-1097
E-Mail: dcc@alaska.net

POSITION STATEMENT

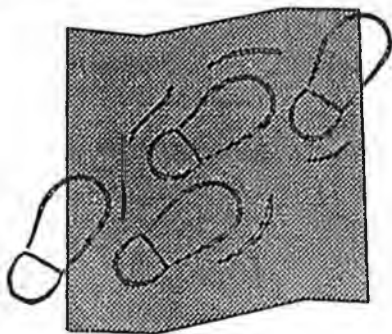
SB 181 - Abortion Costs: General Relief/Parents

The Alaska Women's Lobby is comprised of citizen activists who, in 1982, formed a lobbying association dedicated to equality. We work on issues affecting women and children primarily on the state level. Our members consider themselves to be politically progressive and believe in improving the quality of life for all people. The Lobby is governed by a steering committee which includes members from the state's three largest communities.

The Alaska Women's Lobby opposes SB 181. This bill unfairly discriminates against poor women who choose to exercise their constitutional right to obtain an abortion. Funding for abortions under the general relief program should be handled like all other pregnancy related services and not singled out just because some of us object to this particular medical procedure.

SB 181 has significant constitutional problems and if it survives the political process there will be yet another legal challenge at great expense to the state. We should instead spend our money on serious and meaningful efforts to prevent pregnancy in the first place and stop trying to find ways to avoid the plain meaning and intent of Roe v. Wade.

HOW ABORTION EFFECTS PARENTS



IT'S BEEN 25 YEARS since the US Supreme Court ruled that an unborn child is the property of the mother, and that she may dispose of it for any reason during the first six months of pregnancy; and at any other time if, in the opinion of a single licensed physician, it is necessary to preserve her life or health. "Health" is interpreted as both physical and mental, and includes any type of psychological, social, or economic distress.

And so, many potential parents have exercised their option to have an abortion. That's widely publicized. What's not widely publicized, is that many of these would-be parents, have second thoughts. The US Catholic Conference has collected these stories:

I feel like a murderer, ... and all the rationalizations in the world haven't changed this. I still grieve for little Thomas. It is an ocean of grief. From somewhere in the distant past, I remember the phrase from Shakespeare, "*the multitudinous seas incarnadine*". When I go up to the river on vacation this summer, he won't be going with me. ... He won't be lying on the grass by the tent at night, looking in the starry sky and saying: "*What's that one called, Dad?*" Because there was no room on Earth for Thomas. He's dead.

Phil McCombs, father of aborted child

It has been 22 years since my first abortion. I have suffered long enough. If they had only told me about the devastating effects that the abortions would have on my spiritual and emotional life. ... They forgot to mention the guilt, the shame, the fear of someone finding out about my secret, the emptiness I would feel inside for years, the pain that would never go away, the ugly depression that I would fight or the eating disorder that would slowly destroy me; no they forgot to tell me all of those things.

Mother of aborted children

I wasn't told that having an abortion would create an unbelievable self-hatred that would consume me, and lead to distrust, suspicion, and the utter inability to care about myself, or others -- including my four children. I wasn't told that hearing babies cry would trigger such anger that I wouldn't be able to be around babies at all.

Judith Evans, mother of aborted children

The hours, the days, the months, and the years that followed brought more and more pain and heartache. My husband and I grew distant, apart. We once shared so much. Love, trust, and happiness were replaced by guilt, shame, fear, hate, blame, isolation, rejection, depression. ... We fought over anything and everything. We blamed each other. ... There was an unspoken agreement between us, that I had committed a great evil

Sarah Logsdon, mother of an aborted child

The whole procedure toughened me; I became a tough person. It was like: "*I don't need anybody. Leave me alone and it won't hurt.*" I became hateful. ... I had no compassion. ... If someone mentioned "abortion", it was like the floor dropped out from under me. It made me feel like a murderer. ... A lot of women ... think they're getting rid of a problem, but they don't have any idea of the problems they'll face afterwards. Martha Wenger, mother of aborted child

Throughout the years, I have been depressed, suicidal, furious, outraged, lonely, and have felt a sense of loss. ... Often I cry. ... They say time heals wounds. ... But it doesn't heal the memories, at least not for me. ... Twenty-five years have gone by, but the consequences of the abortion are still going on. ... Problems are not ended by abortion; but only made worse.

Edith Young, mother of aborted child

No one told me how I would struggle for years with the shame, the guilt, the anger ... the loss I would feel, the emptiness, the longing to hold my babies, the regrets of not being able to love them or see them, or watch them grow; yes, they forgot to mention the eating disorders, ... the sleep disturbances, the nightmares, the effects it has on your marriage (mine broke up; and the abortions were the reason), the inability to forgive, forget, heal, and the horrible horrible pain deep inside.

Mother of aborted child

I felt intense guilt afterwards. I knew the abortion was wrong. ... There were sleepless nights - - nightmares. I cried. I remember aching all over. ... I still experience guilt and pain. Things bring it up, and I have to relive it again. I go to the dentist near the clinic where it happened; and each time it makes me feel ill. Each Fall, I think about the child that would have been - - he or she would have been a teenager this year. ... I'll be dealing with the consequences the rest of my life.

Father of aborted child

"Children are the most precious gift of a marriage, and contribute most to the well-being of the parents"

(Marriage Ritual #3)

cc:Mail for: John Manly

Subject: Read, print & file for future reference!

From: cca@alaska.net at CC2MHS1 11/20/97 9:49 AM

bcc: John Manly at LAA_TRANS

To: cca@alaska.net at CC2MHS1

The Myth of Mass Back Alley Abortions
By Dr. Frank Beckwith

Anyone who keeps up with the many pro-choice demonstrations in the United States cannot help but see on pro-choice placards and buttons a drawing of the infamous coat hanger. This symbol of the pro-choice movement represents the many women who were harmed or killed because they either performed illegal abortions on themselves (i.e., the surgery was performed with a "coat hanger") or went to unscrupulous physicians (or "back-alley butchers"). Hence, as the argument goes, if abortion is made illegal, then women will once again be harmed. Needless to say, this argument serves a powerful rhetorical purpose. Although the thought of finding a deceased young woman with a bloody coat hanger dangling between her legs is -- to say the least -- unpleasant, powerful and emotionally charged rhetoric does not a good argument make.

The chief reason this argument fails is because it commits the fallacy of begging the question. In fact, as we shall see, this fallacy seems to lurk behind a good percentage of the popular arguments for the pro-choice position. One begs the question when one assumes what one is trying to prove. Another way of putting it is to say that the arguer is reasoning in a circle. For example, if one concludes that the Boston Celtics are the best team because no team is as good, one is not giving any reasons for this belief other than the conclusion one is trying to prove, since to claim that a team is the best team is exactly the same as saying that no team is as good.

The question-begging nature of the coat-hanger argument is not difficult to discern: only by assuming that the unborn are not fully human does the argument work. If the unborn are not fully human, then the pro-choice advocate has a legitimate concern, just as one would have in overturning a law forbidding appendicitis operations if countless people were needlessly dying of both appendicitis and illegal operations. But if the unborn are fully human, this pro-choice argument is tantamount to saying that because people die or are harmed while killing other people, the state should make it safe for them to do so.

Even some pro-choice advocates, who argue for their position in other ways, admit that the coat hanger/back-alley argument is fallacious. For example, pro-choice philosopher Mary Anne Warren clearly recognizes that her position on abortion cannot rest on this argument without it first being demonstrated that the unborn entity is not fully human. She writes that "the fact that restricting access to abortion has tragic side effects does not, in itself, show that the restrictions are unjustified, since murder is wrong regardless of the consequences of prohibiting it..." [1]

Although it is doubtful whether statistics can establish a particular moral position, it should be pointed out that there has been considerable debate over both the actual number of illegal abortions and the number of women who died as a result of them prior to legalization. [2] Prior to Roe, pro-choicers were fond of saying that nearly a million women every year obtained illegal abortions performed with rusty coat

hangers in back-alleys that resulted in thousands of fatalities. Given the gravity of the issue at hand, it would go beyond the duty of kindness to call such claims an exaggeration, because several well-attested facts establish that the pro-choice movement was simply lying.

First, Dr. Bernard Nathanson -- who was one of the original leaders of the American pro-abortion movement and co-founder of N.A.R.A.L. (National Abortion Rights Action League), and who has since become pro-life -- admits that he and others in the abortion rights movement intentionally fabricated the number of women who allegedly died as a result of illegal abortions.

"How many deaths were we talking about when abortion was illegal? In N.A.R.A.L. we generally emphasized the drama of the individual case, not the mass statistics, but when we spoke of the latter it was always '5,000 to 10,000 deaths a year.' I confess that I knew the figures were totally false, and I suppose the others did too if they stopped to think of it. But in the 'morality' of the revolution, it was a useful figure, widely accepted, so why go out of our way to correct it with honest statistics. The overriding concern was to get the laws eliminated, and anything within reason which had to be done was permissible." [3]

Second, Dr. Nathanson's observation is borne out in the best official statistical studies available. According to the U.S. Bureau of Vital Statistics, there were a mere 39 women who died from illegal abortions in 1972, the year before Roe v. Wade. [4] Dr. Andre Hellegers, the late Professor of Obstetrics and Gynecology at Georgetown University Hospital, pointed out that there has been a steady decrease of abortion-related deaths since 1942. That year there were 1,231 deaths. Due to improved medical care and the use of penicillin, this number fell to 133 by 1968. [5] The year before the first state-legalized abortion, 1966, there were about 120 abortion-related deaths. [6] This is not to minimize the undeniable fact that such deaths were significant losses to the families and loved ones of those who died. But one must be willing to admit the equally undeniable fact that if the unborn are fully human, these abortion-related maternal deaths pale in comparison to the 1.5 million preborn humans who die (on the average) every year. And even if we grant that there were more abortion-related deaths than the low number confirmed, there is no doubt that the 5,000 to 10,000 deaths cited by the abortion rights movement is a gross exaggeration. [7]

Third, it is simply false to claim that there were nearly a million illegal abortions per year prior to legalization. There is no reliable statistical support for this claim. [8] In addition, a highly sophisticated recent study has concluded that "a reasonable estimate for the actual number of criminal abortions per year in the prelegalization era [prior to 1967] would be from a low of 39,000 (1950) to a high of 210,000 (1961) and a mean of 98,000 per year. [9]

Fourth, it is misleading to say that pre-Roe illegal abortions were performed by "back-alley butchers" with rusty coat hangers. While president of Planned Parenthood, Dr. Mary Calderone pointed out in a 1960 American Journal of Health article that Dr. Kinsey showed in 1958 that 84% to 87% of all illegal abortions were performed by licensed physicians in good standing. Dr. Calderone herself concluded that "90% of all illegal abortions are presently done by physicians." [10] It seems that the vast majority of the alleged "back-alley butchers" eventually became the "reproductive health providers" of our present day.

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Francis J. Beckwith, Ph.D., is a Lecturer of Philosophy at the University of Nevada, Las Vegas. He has written extensively on ethics, abortion, and public policy, including A Matter of Life and Death:

Questions and Answers about Abortion and Euthanasia, a book co-authored with Norman L. Geisler.

Notes:

[1] John Nolt and Dennis Rohatyn, *Schaum's Outline of Theory and Problems of Logic* (New York: McGraw-Hill Book Co., 1988), 172. in *The Problem of Abortion*, 2nd ed., ed. Joel Feinberg (Belmont, CA: Wadsworth, 1984), 103.

[2] See Daniel Callahan, *Abortion: Law, Choice, and Morality* (New York: Macmillan, 1970), 132-36; and Stephen Krason, *Abortion: Politics, Morality, and the Constitution* (Lanham, MD: University Press of America, 1984), 301-10.

[3] Bernard Nathanson, M.D., *Aborting America* (New York: Doubleday, 1979), 193.

[4] From the U.S. Bureau of Vital Statistics Center for Disease Control, as cited in Dr. and Mrs. J. C. Wilke, *Abortion: Questions and Answers*, rev. ed. (Cincinnati: Hayes Publishing, 1988), 101-2.

[5] From Dr. Hellegers's testimony before the U.S. Senate Judiciary Committee on Constitutional Amendments, April 25, 1 1974; cited in John Jefferson Davis, *Abortion and the Christian* (Phillipsburg, NJ: Presbyterian and Reformed, 1984), 75.

[6] From the U.S. Bureau of Vital Statistics Center for Disease Control, as cited in Wilke, 101-2.

[7] See Davis, 75.

[8] See note 10; Callahan, 132-36; Krason, 301-10.

[9] Barbara J. Syska, Thomas W. Hilgers, M.D., and Dennis O'Hare, "An Objective Model for Estimating Criminal Abortions and Its Implications for Public Policy," in *New Perspectives on Human Abortion*, ed. Thomas Hilgers, M.D., Dennis J. Horan, and David Mall (Frederick, MD: University Publications of America, 1981), 78.

[10] Mary Calderone, "Illegal Abortion as a Public Health Problem," in *American Journal of Health* 50 (July 1960):949.

For more information, see *Roe v. Wade: 25 Years of Life Denied* at <http://www.prolife.org/rvw>

From: Steve Coerper <stevekerp@juno.com>

State Supreme Court Upholds Abortion Ruling

*Restrictions on
State-Funded Abortions*

On Friday, October 3, the North Carolina Supreme Court upheld as constitutional the current eligibility restrictions on the State Abortion Fund. The court's decision in *Rosie J. v. N.C. Dept. of Human Resources* echoes a prior ruling of the Superior Court. At issue were the following eligibility restrictions passed by the General Assembly in 1995:

"Eligibility for services of the State Abortion Fund shall be limited to women whose income is below the federal poverty level, as revised annually, and who are not eligible for Medicaid. The State Abortion Fund shall be used to fund abortions only to terminate pregnancies resulting from cases of rape or incest, or to terminate pregnancies that, in the written opinion of the doctor licensed to practice medicine in North Carolina, endanger the life of the mother."

The plaintiffs argued these restrictions violate the N.C. Constitution. The Supreme Court determined the main issue as being one of the State paying for the "medical care" of some and not for others (i.e. paying for abortions for those who qualify under the above restrictions but not for those who don't.) In its ruling, the Court clearly stated that "No person has the constitutional right to have the State pay for medical care." In addition, the Court found that indigent women (those whose income is below the federal poverty level) do not receive "extraordinary protection" as a class under the Constitution, and that state funded abortions are not a right protected by the Constitution.

Furthermore, as we have recently reported, North Carolina paid for up to 4,600 abortions per year prior to the enactment of the above provision in 1995. In the last two years, following the passage of these restrictions, the state has paid for only ONE abortion. As the Court stated in this case, "Because of this action by the General Assembly, payment by the State for an abortion when the pregnancy is not the result of rape or incest or when the woman's life is not in danger has been virtually eliminated."

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Find more state legislative news and information at The Armchair Lobbyist
- <http://www.prolife.org/tal>

North Carolina

The Utilitarian Purpose of Publicly-funded Abortions

by Representative Terry Martin

Alaskans have been subjected to a lot of fear-mongering over the last few years about the so-called "fiscal gap," but with \$22 billion in the bank and an oil industry that is happily developing new fields every day on the North Slope, I don't happen to think there is much to worry about on the fiscal front. But I would instead encourage Alaskans to shift their focus to what may be referred to as the population gap, and especially to look at the utilitarian policies of state government that help to perpetuate it.

In an article earlier this summer, I examined the drop in Alaska's population in two critical segments, the 18 to 35 year-olds and the newborn to 5 year olds. In taking a closer look at this second category, it has become manifestly evident that the policy of state-funded elective abortions is having a significant negative effect on our birthrate.

Between 1988 and 1996, the state paid for a low of 463 elective abortions in one year to a high, in 1992, of 852, for total of 6390 or a yearly average of 710. During those same years, the number of births in Alaska has fallen steadily from 11,451 in 1988 to 10,045 in 1996, or an average of 175 births per year.

When you compare the annual average of state-funded elective abortions (710) to the average annual drop in the birthrate (-175), one has to wonder what will be the long-term impacts of this utilitarian policy on Alaska, our society, and our economy.

Indeed, we are not even keeping up with a replacement rate. The accepted fertility rate to sustain a population is 2.1 children per child-bearing woman. Yet, ours hovers well below that, at about 1.6. Another important measure of the health of our society is the birth rate, defined by the number of births per 1000 population. Dropping from a high of 35.9 at the height of the baby boom in 1956, we are now at an all-time low of 16.6.

True to its roots in the eugenics movement of 100 years ago, Alaska's policy of state-funded elective abortions appears to have racist overtones, when you look at the statistics. For example, abortions of Alaska Native infants averaged 230 each year from 1988-96. That's about 32 percent of all state-funded elective abortions. Yet, the number of Alaska Natives is just under 16 percent of the state's population.

The same holds true for African-Americans. The state paid for an average of 83 abortions of black babies each year, or 11.7 percent of all state-funded abortions. Yet, blacks represent only 4.1 percent of the population.

For whites, though, the yearly average was 340 state-paid elective abortions, or about 48 percent of the total. But the overall population of Alaska is 75 percent white.

For such an onerous, utilitarian state policy, what are we gaining? What purpose is being served? One thing I have noticed is that the only significant offsetting factor to fill the void of these aborted Alaskans is a growing rate of foreign immigration. Given our low fertility rate, exacerbated by the state-paid abortions, perhaps Alaska should develop a new policy to encourage more foreign immigration to maintain our population, just as some European countries now pay for.

It seems to me that, as far as the economy is concerned, we are extremely fortunate that this foreign influx has occurred, so that we can continue to find buyers for new homes, children to fill our schools, people to buy cars and shop at local stores.

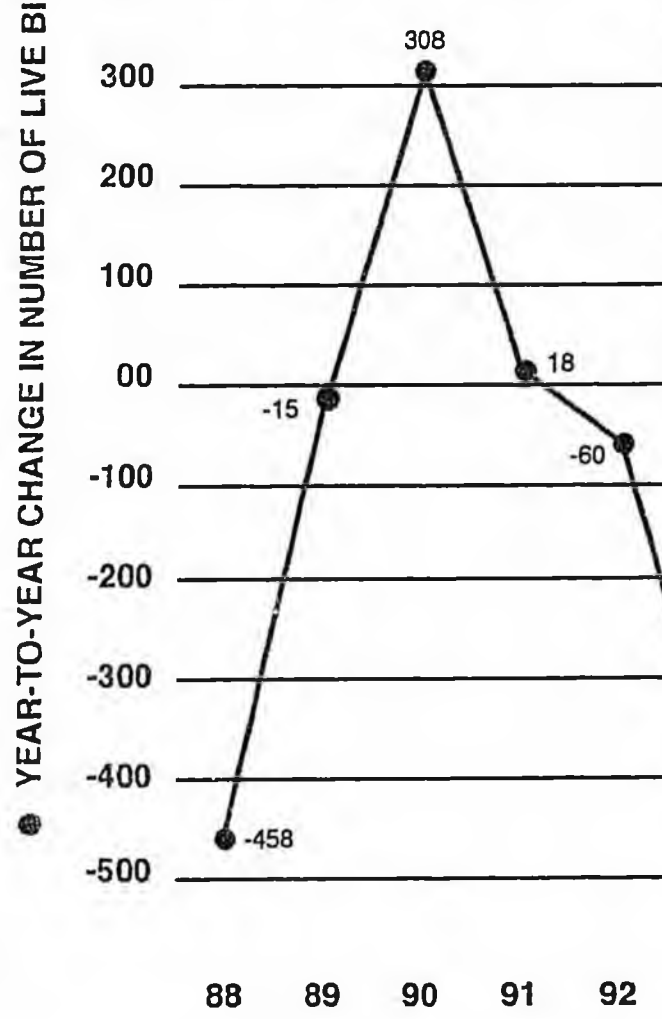
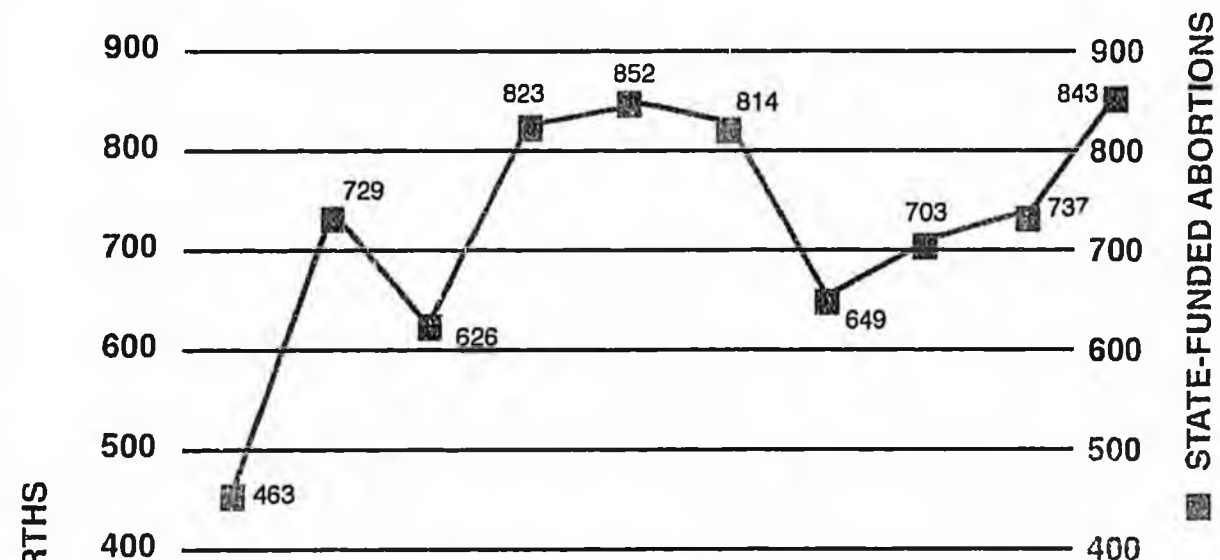
Indeed, how ironic it is that one of the biggest advocates of abortion has long been the Alaska teacher's union. Don't they realize where kindergartners come from? An NEA advocacy of abortion makes as much sense as if the Teamsters went all out to banish big trucks from the highway because they wear down the infrastructure. Sure, the roads would require less maintenance and they would be a lot safer for drivers of small cars, but where would the Teamsters work? And how would Alaskans be supplied with food, building materials, fuel for their cars and homes, and many other necessities?

Of course, teachers are not the only group depending on a continued flow of children to maintain their livelihoods. Consider the plight of day care operators, social workers and youth organizations. Consider also the irony of the testimony of Department of Health and Social Services "experts" in opposing a bill now in the Legislature--HB 234--that would stop state-funded elective abortions. They estimated that 590 of the 700+ pregnant mothers who every year come to the state for an abortion would opt instead to give birth. They are opposed to these births because, they said, it would cost the state millions of dollars when all these kids end up on welfare and other social service programs.

DHSS officials publicly stated that these are the children who would be abused, end up in jail, and go on welfare. That seems like a bold assumption to make. It makes one think that this utilitarian policy has already missed a lot of kids who these experts evidently think should have been aborted.

It is now time for the Legislature to stop state funding of elective abortions. This can be done without preventing anyone who wants an abortion to get one, particularly if the male involved is made to pay for it with his Permanent Fund Dividend. The vast majority of states, and the federal government, do not pay for elective abortions. Why should Alaska?

As current statistics force us to face the reality of what state funded elective abortions are doing to us, surely we can understand the impact this is having on our population and get us out of this ill-conceived public policy.

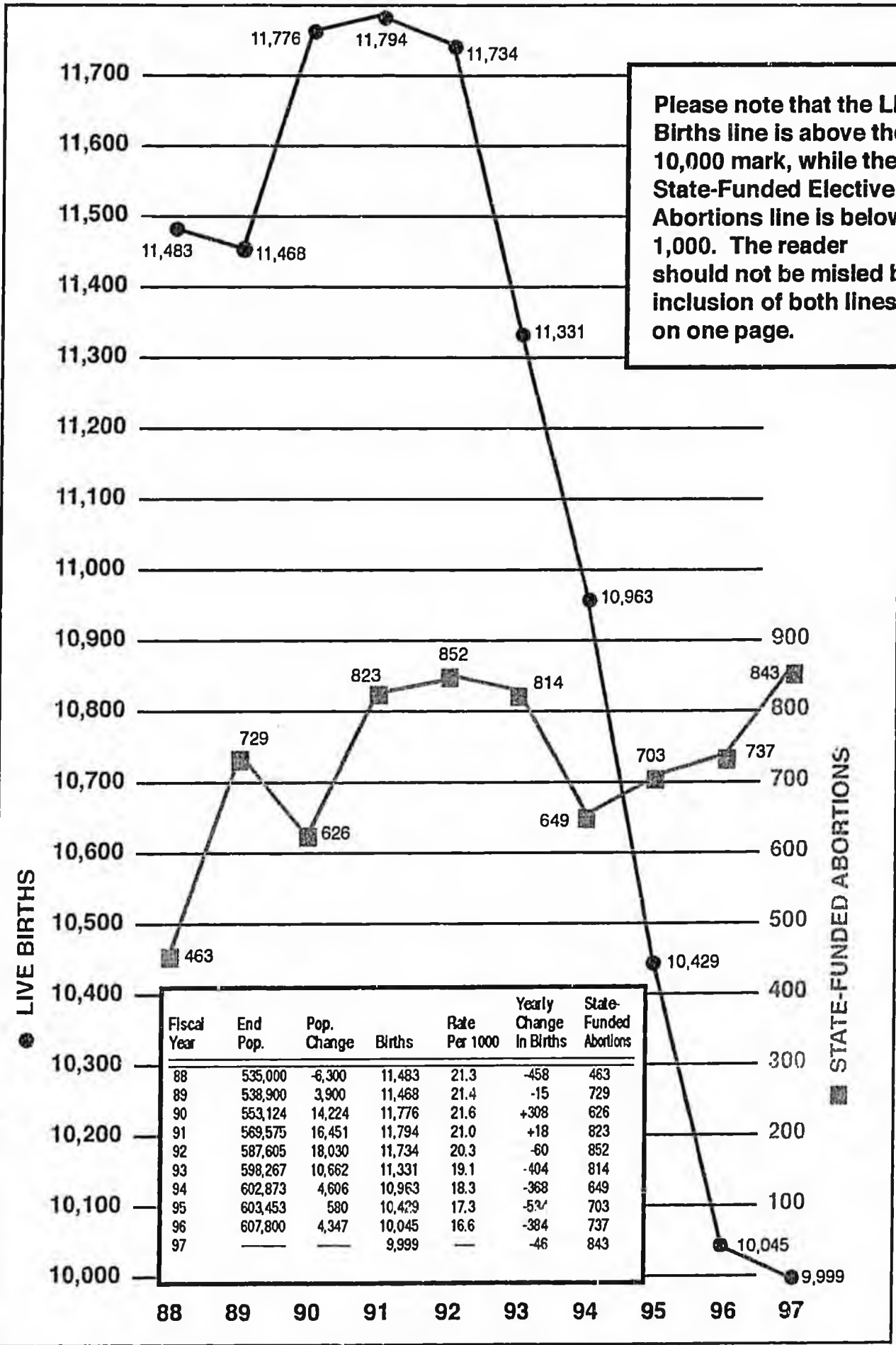


Fiscal Year	End Pop.	Pop. Change	Births	Rate Per 1000	Yearly Change In Births	State-Funded Abortions
88	535,000	-6,300	11,483	21.3	-458	463
89	538,900	3,900	11,468	21.4	-15	729
90	553,124	14,224	11,776	21.6	+308	626
91	569,575	16,451	11,794	21.0	+18	823
92	587,605	18,030	11,734	20.3	-60	852
93	598,267	10,662	11,331	19.1	-404	814
94	602,873	4,606	10,963	18.3	-368	649
95	603,453	580	10,429	17.3	-534	703
96	607,800	4,347	10,045	16.6	-384	737
97			9,999		-46	843

YEAR-TO-YEAR CHANGE IN NUMBER OF LIVE BIRTHS COMPARED TO STATE-FUNDED ABORTIONS, 1988-96

Years Shown are Fiscal Years (July 1- June 30)

Prepared by the Office of Representative Terry Martin • Source: Alaska Departments of Labor and Health and Social Services



LIVE BIRTHS COMPARED TO STATE-FUNDED ABORTIONS, 1988-96

Prepared by the Office of Representative Terry Martin • Source: Alaska Departments of Labor and Health and Social Services
Revised 1/98

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House District 31

House Of Representatives

MEMORANDUM

January 20, 1998

To: House Finance
Committee Members

From: Rep. Pete Kelly, Chair 
HB 234 subcommittee

Subject: Revisions made in draft CS for HB 234

We have addressed the multitude of concerns raised during the Finance Committee hearing on HB 234 last May, as well as amendments proposed during previous committee hearings on the bill. There are principally three changes made to HB 234, as follows:

- The financial responsibility provisions have been deleted; therefore, sections 1, 2, 4, 5, and 6 have been removed.
- The definition of "abortion" contained in section 7 has been deleted, because a definition was included in the final version of SB 24, which became law last year.
- An exception for the life of the mother has been added, in new section 2.

Sectional Analysis

CS HB 234 (Fin)

"Relating to assistance for abortions under the general relief program."

Sec. 1 revises the priority list to give abortion services the lowest priority when funding is insufficient for the general relief program.

Sec. 2 adds an exception to allow funding for an abortion if one is needed to save the life of the mother.

Sponsor Statement

CS HB 234 (Fin)

"Relating to assistance for abortions under the general relief program."

House Bill 234 provides a new measure of logic and consistency to the state's abortion law, by establishing the procedure's priority on the official list of medical procedures the state will pay for under the general relief medical program.

The Governor has complained that the Legislature has not appropriated adequate funding in the general relief medical program to provide for the lowest priority items on the list. These include such necessities as eye glasses and emergency dental care for the poor and elderly. Obviously, the Legislature agrees that these items should continue to be on the priority list. However, it is not logical that a non-essential procedure, such as abortion, should continue to hold a higher priority. HB 234 would eliminate the priority status that abortions have enjoyed at the expense of other, more essential demands.

CS FOR HOUSE BILL NO. 234()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES MARTIN' Gr n, Kohring, Kott, Dyson, Sanders, Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to assistance for abortions under the general relief program."

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

3 * Section 1. AS 47.25.205 is amended to read:

4 Sec. 47.25.205. Priority of general relief medical assistance. (a) Except
5 as provided in (b) of this section, if [IF] the department finds that the cost of medical
6 assistance for all persons eligible under AS 47.25.120 - 47.25.300 will exceed the
7 amount allocated in the state budget for that assistance for the fiscal year, the
8 department shall eliminate coverage for medical services in the following order:

9 (1) abortions and related services and supplies, such as medical
10 supplies and equipment, transportation, laboratory and x-ray services, physician
11 services, hospital services, and pharmaceuticals, used for an abortion;

12 (2) treatment of speech, hearing, and language disorders;

13 (3) [(2)] optometrists' services and eyeglasses;

14 (4) [(3)] occupational therapy;

15 (5) [(4)] emergency dental services for adults;

- 1 (6) [(5)] prosthetic devices not including dentures;
- 2 (7) [(6)] medical supplies and equipment other than those used to
- 3 perform an abortion;
- 4 (8) [(7)] physical therapy;
- 5 (9) [(8)] outpatient laboratory and outpatient x-ray services other than
- 6 those used for an abortion;
- 7 (10) [(9)] ambulatory surgical center services other than services to
- 8 perform an abortion;
- 9 (11) [(10)] nonemergency medical transportation other than
- 10 transportation to obtain an abortion;
- 11 (12) [(11)] outpatient physician services other than services to
- 12 perform an abortion;
- 13 (13) [(12)] outpatient hospital services other than services to perform
- 14 an abortion;
- 15 (14) [(13)] intermediate care facility services;
- 16 (15) [(14)] skilled nursing facility services;
- 17 (16) [(15)] emergency medical transportation other than
- 18 transportation for an abortion;
- 19 (17) [(16)] pharmaceuticals other than those used in an abortion;
- 20 (18) [(17)] inpatient physician services other than services to perform
- 21 an abortion;
- 22 (19) [(18)] inpatient hospital services other than services to perform
- 23 an abortion.

24 * Sec. 2. AS 47.25.205 is amended by adding a new subsection to read:

25 (b) Notwithstanding (a) of this section, the department shall provide coverage
26 for abortions and related services and supplies in cases where a woman who is
27 otherwise eligible under AS 47.25.120 - 47.25.300 suffers from a physical disorder,
28 physical injury, or physical illness, including a life-endangering physical condition
29 caused by or arising from the pregnancy itself, that would, as certified by a physician
30 licensed under AS 08.64, place the woman in danger of death unless an abortion is
31 performed.

Abortion: Male coercion and irresponsibility

Consider this: By vesting all reproductive responsibility in the woman, a pro-choice male creates a situation in which men can easily rationalize their irresponsibility toward women who choose not to abort. Plausible? Read on.

As Daniel Callahan puts it, "If legal abortion has given women more choice, it has also given men more choice as well. They now have a potent new weapon in the old business of manipulating and abandoning women." Given that 80 percent of all abortions are sought by single women (according to the Alan Guttmacher Institute) the advent of reproductive rights has created a situation in which a man can coerce a woman to have an abortion by denying his responsibility towards her, or even abandoning her when she gets pregnant and "chooses" to carry the pregnancy to term.

According to feminist legal scholar Catharine MacKinnon, "Sexual liberation in this sense does not free women, it frees male sexual aggression. The availability of abortion thus removes the one remaining legitimized reason that women had for refusing sex besides the headache."

The anecdotal evidence for this interpretation is compelling.

Empirical studies have also demonstrated that male coercion and pressure play a sizable role in many women's abortion decisions. A survey from the Medical College of Ohio, for example, examined 150 women who "identified themselves as having poorly assimilated the abortion experience." Of the 81 women who responded, more than one-third felt they had been coerced into having an abortion. Fewer than one-third initially considered the abortion themselves.

In cases where women initially chose to bear the child, their male partners were opposed to the decision by a margin of eight to one. In all of these cases, the man withdrew his support for his partner "thereby eliminating that alternative."

Even in Carol Gilligan's famous study *In a Different Voice*, not all of the women's abortion decisions she recounts were independent. Male

coercion played an important role in about one-third of the cases cited. The men in the women's lives were unwilling to provide their partners with the moral and material support for pregnancy, childbirth, and child rearing. As one of Gilligan's respondents noted, "He made me feel I had one choice to make and that it was to have an abortion and I could always have children another time, and he made me feel if I didn't it would drive us apart."

In all these cases, the logic goes something like this: since the man was willing to pay for an abortion, and since the woman had a constitutional right to get one even if he wished to prevent it, by her failure to obtain an abortion she took sole responsibility for the child. Therefore, the reasoning concludes, the man should not be liable for any child support.

Permissive abortion policy has created a climate where men can enjoy sexual relations with little or no concern for their consequences. Abortion is often misrepresented as solely a women's issue; clearly, however, it is a men's issue as well as long as men are interested in protecting their sexual liberty.

Women and Children First - a different kind of pro-life newsletter
<http://www.prolife.org/ultimate/wcfpromo.html>