

SB

30

SFIN

FILE

MAY 12 2003

SENATE FINANCE COMMITTEE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/6/03

FURTHER:

DATE TURNED IN TO OFFICE: 12 May 2003

Finance Committee considered

SENATE BILL NO. 30

SB 30 ABORTION: INFORMED CONSENT; INFORMATION

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

and recommends:

Senate Bill:

be replaced with _____ CS _____ (_____)

same title

new title

adopt previous _____ CS SB 30 (JUD)

House Bill:

same title

technical title

new: SCR # _____

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

Department	Date	Fiscal	Zero	FN#
DHSS ^{Vital Stats}	4/17/03	30.0		#2
DHSS ^{Maternal, Ch. H. Etc.}	4/17/03	20.0		#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Adrian L. Traylor</i>	✓			
<i>Don Hall</i>			✓	
<i>Richard Ables</i>				✓
<i>Lo Beards</i>			✓	
<i>Ben Stevens</i>	✓			
COCHAIR: <i>Linda Green</i>	✓			
COCHAIR: <i>V. Cray Miller</i>			✓	

MAY 12 2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSSB 30(HES)
(S) Publish Date: 4/22/03

SENATE FINANCE
COMMITTEE

Revision Date/Time (Note if correction):
Title INFORMED CONSENT FOR ABORTION

Dept. Affected: Health & Social Services
BRU State Health Services
Component Maternal, Child, & Family Hlth

Sponsor DYSON

Requester _____

Component No. 290

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	20.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	20.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1002 Federal Receipts						
1003 GF Match						
1004 GF	20.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
TOTAL	20.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires that information be prepared and made available via the Internet, to every woman seeking an abortion, on the medical risks of abortion, pregnancy, and where services can be sought, by geographic region. The Department of Health & Social Services already produces, procures and disseminates a range of materials regarding how to have a healthy baby and ways to keep the baby safe and healthy after birth. In addition, the Department maintains a 24-hour referral line for services. Ensuring the intent of this bill is addressed will require resources for the production of the additional informational materials on abortion.

CONTRACTUAL: \$20.0 for a professional services contract in Year 1 for the production and posting of the web-based materials required under this bill.

Prepared by: Doug Bruce, Director
Division Public Health
Approved by: Joel S. Gilbertson, Commissioner
Agency Department of Health and Social Services

Phone 465-3090
Date/Time 04/16/2003
Date 04/17/2003

COMMITTEE COPY

MAY 12 2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 30(HES)
 (S) Publish Date: 4/22/03
 Dept Affected: Health & Social Services
 BRU State Health Services
 Component Bureau of Vital Statistics

SENATE FINANCE
COMMITTEE

Revision Date/Time (Note if correction):
 Title INFORMED CONSENT FOR ABORTION

Sponsor DYSON
 Requester _____

Component No. 961

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	30.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	30.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	30.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
TOTAL	30.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: _____
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would add a requirement to the report of Induced Termination of Pregnancy (ITOP) program that the Bureau of Vital Statistics (BVS) collect and record data on whether or not each reported patient requested and received a written copy of information on reproductive options required to be maintained on the internet.

CONTRACTUAL: \$30.0 in GF for contractual service costs would be required in Year 1 (one-time costs) to provide for 1) a contract to revise the BVS ITOP computer program (\$20,000); 2) to produce, print and distribute revised ITOP reporting forms to providers throughout Alaska (\$2,000); and 3) to contract for the drafting of regulations to implement AS 18.50.245(e) (\$8,000).

Prepared by: Doug Bruce, Director Phone 465-3090
 Division Public Health Date/Time 04/16/2003
 Approved by: Joel S. Gilbertson, Commissioner Date 04/17/2003
 Agency Department of Health and Social Services

SENATE COMMITTEE REPORT

DATE: 4/15/03

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5/5/03

Judiciary Committee considered

SENATE BILL NO. 30

SB 30 ABORTION: INFORMED CONSENT; INFORMATION

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

and recommends:

- be replaced with _____ CS SB 30 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
HSS	4/17	✓		1
HSS	4/17	✓		2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	No REC	AMEND
Therriault	<i>[Signature]</i>	x			
Ogan	<i>[Signature]</i>	+			
Seekins	CHAIR: <i>[Signature]</i>	✓			

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/21/03

FURTHER: Judiciary
Finance

Date of 5-Day Notice: 3/13/03
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4.15.03

Health, Education and Social Services Committee considered

SENATE BILL NO. 30

SB 30 ABORTION: INFORMED CONSENT; INFORMATION

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and recommends:

be replaced with _____ CS SB 30 (HES)

adopt previous _____ CS _____ (_____)

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further referral to _____ Committee

Senate Bill:

same title
 new title

House Bill:

same title
 technical title
 new: SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
HSS	4/17/03	✓		1
HSS	4/17/03	✓		2

Department	Date	Fiscal	Zero	FN#

* Forthcoming fiscal notes, pub. 4/22/03

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	NO REC	AMEND
Davis	<i>Betty Davis</i>		X		
Wilken	<i>Gary Wilken</i>			✓	
Green	<i>Lynne Green</i>	✓			
Dyson	CHAIR: <i>Paul Dyson</i>	✓			

- **SB 30.**

Regardless of where one stands on the abortion issue, there is unified support for the concept that a woman be fully informed during her own decision. Providing women with information that is "**unbiased, objective, scientific**" is necessary to any informed choice. This bill is mandated to provide such information. It is essential to the psychological and physical well-being of a woman who is considering an abortion that she receive complete and accurate information on her alternatives. Objections to providing people with information are adversarial to a woman's freedom of choice, and preventing them from considering all relevant information is coercive and injures their freedom of privacy.

- **Medical personnel.**

Medical personnel who perform abortions are already mandated in regulation to explain possible consequences. They have been exposed to lawsuits when women feel under-informed. This bill gives physicians legal coverage by creating a document that provides the information that is already currently required. Additionally, this tool is **optional**.

- **The U.S. Supreme Court.**

The U.S. Supreme Court has rendered a decision in the case of Planned Parenthood of Pennsylvania v. Casey that upheld the constitutionality of a Pennsylvania law which required informed consent, parental consent, and a twenty-four-hour waiting period prior to an abortion. *"...What is at stake is the woman's right to make the ultimate decision, not a right to be insulated from all others in doing so...if they are not a substantial obstacle to the woman's exercise of the right to choose...Unless it has that effect on her right of choice, a state measure designed to persuade her to choose childbirth over abortion will be upheld if reasonably related to that goal...In attempting to ensure that a woman apprehend the full consequences of her decision, the State furthers the legitimate purpose of reducing the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed. If the information the State requires to be made available to the woman is truthful and not misleading, the requirement may be permissible...The idea that important decisions will be more informed and deliberate if they follow some period of reflection does not strike us as unreasonable, particularly where the statute directs that important information become part of the background of the decision..."* *"...That the information might create some uncertainty and persuade some women to forgo abortions does not lead to the conclusion that the Constitution forbids the provision of such information. Indeed, it only demonstrates that this information might very well make a difference, and that it is therefore relevant to a woman's informed choice..."* *"...calculated to inform the woman's free choice, not hinder it."*

- **Regarding Testimony.** Through the committee process, we have received testimony that some people are apprehensive to be influenced by this unbiased, objective, scientific information. I'm not sure quite how to respond to this fear. Others have asked why this information is not mandated to all pregnant women, not just those seeking abortion. To respond, reiteration is needed that current law already requires informed, voluntary consent for abortion. There is no informed consent requirement for childbirth, nor does this bill establish such a requirement. Additionally, DHSS has agreed that the language in this bill provides for the maintaining of current, updated information. Finally, this bill does not change any of the current laws regarding parental consent; those provisions are unaffected.

Provided by Senator Dyson



SENATOR FRED DYSON

SB 30 SPONSOR STATEMENT

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

Since the early 1970's, Alaskan physicians who perform or induce abortions are required, in regulation, to inform patients "of the medical implications and the possible emotional and physical sequelae of the procedure" (12 A.A.C. 40.070). SB 30 raises these regulations into statute, and standardizes the information presented to the patients by means of a website maintained by the Department of Health and Social Services. This website will list accurate, objective information that explains resources available to a pregnant woman that may assist her in making and implementing her own reproductive decisions. This bill will enable women to make healthy, educated choices regarding their own individual and private circumstances.

Considerable testimony has been received that indicates that Alaskan women, on occasion, do not receive adequate information as they consider the alternative of abortion. These events are extremely damaging and must be prevented. Providing women with information that is "unbiased, objective, scientific" is necessary to their informed choice. This bill creates a website that is mandated to provide such information. Medical personnel who perform abortions are already required in regulation to explain possible consequences. This bill provides physicians with an optional tool that also provides legal coverage for fulfilling the informed consent requirements—which are already required. This tool will protect both women and doctors.



SENATOR FRED DYSON

SB 30 SECTIONAL ANALYSIS (Version S)

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

Section 1 FINDINGS language describes the interests and intentions of the Legislature's intervention in this issue. Interests include regulating medical practice, protecting the life and health and choices of pregnant women, and clarifying a physician's requirements to obtain informed consent, which will in turn, conserve legal and judicial resources.

Section 2 directs the Department of Health and Social Services to develop a website designed to assist a pregnant woman with her reproductive choices. This pamphlet will provide resources for women to use in order to make and implement these decisions. The material will include information specific to geographic region, adoption services, counseling, abortion, clinics, medical assistance benefits, requirements for doctors who performs abortions, the father's liability, fetal development, and medical risks/rewards for each procedure option.

Section 3 adds that abortion may not be performed unless informed consent is obtained, as outlined in Section 4. This elevates 12 A.A.C. 40.070 to statute.

Section 4 adds civil liability for a person who performs or induces an abortion without meeting the informed consent provisions. A doctor who prints the website's information and distributes it to the pregnant woman is not liable under this section.

Section 5 states the terms of qualification for consent to an abortion to be informed and voluntary. Medical emergency, as defined in this section, bypasses the informed consent requirements. The pregnant woman or her parent/guardian/etc. will certify the requirements in writing as met. Voluntary informed means: at least 24 hours before the procedure, in an individual and private and confidential setting, the physician will provide information on the women's individual circumstances including the physician's name, gestational estimation of the pregnancy, and the nature and risks of the procedure and its alternatives, and the availability of the website's information.

Section 6 adds to the current abortion reporting law. In preparing the report, the state registrar must require whether or not the pregnant woman received the website's information.

Section 6 provides severability of this legislation.

