

HOUSE BILL NO. 178

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/15/19

Referred: Health & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act interpreting the right to privacy under art. I, sec. 22, Constitution of the State
2 of Alaska; defining 'abortion,' 'birth,' 'child,' 'conception,' 'natural person,' and
3 'preborn child'; relating to civil actions and liability under the Act; relating to murder
4 of a child; repealing abortion procedures; amending the definition of 'person' for crimes
5 against a person; repealing murder of an unborn child and penalties and provisions
6 related to that crime; relating to the powers of guardians; relating to powers of attorney
7 for health care decisions; relating to regulation of abortion; relating to medical
8 treatment for minors; relating to relocation of a child; relating to the office of public
9 advocacy; repealing medical assistance payment for abortions; relating to duties of the
10 attorney general; relating to the limitation on the use of assets; and providing for an
11 effective date."

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

1 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
2 to read:

3 SHORT TITLE. This Act may be known as the Life at Conception Act or the
4 Abolition of Abortion Act of 2019.

5 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
6 read:

7 LEGISLATIVE FINDINGS. Notwithstanding any other provision of law, the
8 legislature finds that

9 (1) the Constitution of the State of Alaska declares, in art. I, sec. 1, that "all
10 persons have a natural right to life," and the Constitution of the State of Alaska further
11 declares in art. I, sec. 7, "No person shall be deprived of life, liberty, or property, without due
12 process of law";

13 (2) the preamble to the Constitution of the State of Alaska declares, "We the
14 people of Alaska, grateful to God and to those who founded our nation," the Declaration of
15 Independence declares, "We hold these truths to be self-evident, that all men are created
16 equal, that they are endowed by their Creator with certain unalienable Rights, that among
17 these are Life That to secure these rights, Governments are instituted among Men," and
18 government has a duty to protect and defend the right to life that has been granted to all
19 human beings;

20 (3) to secure the natural right to life of all persons, government must recognize
21 the right to life of all persons, without discrimination because of age, race, religion, size, sex,
22 color, citizenship, ancestry, location, disability, deformity, stage of development, life
23 expectancy, or condition of dependency;

24 (4) art. I, sec. 1, Constitution of the State of Alaska, provides "that all persons
25 are equal and entitled to equal rights, opportunities, and protection under the law";

26 (5) art. II, sec. 1, Constitution of the State of Alaska, provides that "The
27 legislative power of the State is vested in a legislature"; the legislature lacks the authority to
28 delegate any portion of the legislative power to the courts, and further, the legislature has not
29 done so;

30 (6) the implementation of state law protecting the right to life of all persons is
31 the constitutional responsibility of the legislative branch, not the judiciary;

1 (7) art. I, sec. 22, Constitution of the State of Alaska, after recognizing the
 2 right of the people to privacy, expressly grants to the legislature the authority to "implement
 3 this section," authority it does not grant to the courts;

4 (8) it was never the intent of art. I, sec. 22, Constitution of the State of Alaska,
 5 or any other section of the Constitution of the State of Alaska, to recognize a right of any
 6 person to take the life of an innocent child;

7 (9) art. IV, sec. 1, Constitution of the State of Alaska, provides that "The
 8 jurisdiction of the courts shall be prescribed by law," reserving to lawmakers a further check
 9 on any court that should attempt to arrogate power to itself through judicial edict;

10 (10) to implement equal protection under the law for the right to life of every
 11 person, the right to life guaranteed to all persons by the Constitution of the State of Alaska is
 12 vested in each human being;

13 (11) a statute, regulation, rule, or order that has the purpose, intent, or effect of
 14 legalizing any abortion in the state infringes on a child's right to life in violation of the
 15 Fourteenth Amendment to the Constitution of the United States and, therefore, is not made in
 16 accordance with the Constitution of the United States, is not authorized by the Constitution of
 17 the United States, is not the supreme law of the land, and, consequently, is invalid in this state
 18 and shall be considered null and void and of no effect in this state; and

19 (12) further authority for this Act is the following:

20 (A) the Tenth Amendment to the Constitution of the United States
 21 guarantees to the states and their people all powers not granted to the federal
 22 government elsewhere in the constitution and reserves to the state and people of
 23 Alaska certain powers as they were intended at the time that Alaska was admitted to
 24 statehood in 1959; the guaranty of those powers is a matter of contract between the
 25 state and people of Alaska and the United States as of the time that the compact with
 26 the United States was agreed to and adopted by Alaska and the United States in 1959;

27 (B) the Ninth Amendment to the Constitution of the United States
 28 guarantees to the people rights not granted in the constitution and reserves to the
 29 people of Alaska certain rights as they were intended at the time that Alaska was
 30 admitted to statehood in 1959; the guaranty of those rights is a matter of contract
 31 between the state and people of Alaska and the United States as of the time that the

compact with the United States was agreed upon and adopted by Alaska and the United States in 1959;

(C) art. I, sec. 7, Constitution of the State of Alaska, guarantees that no person shall be deprived of life without due process of law.

* **Sec. 3.** AS 01.10.055 is amended by adding a new subsection to read:

(d) A preborn child is a resident of the state if the mother of the preborn child is a resident of the state under this section.

* **Sec. 4.** AS 01.10.060(a) is amended by adding new paragraphs to read:

(15) "abortion" means the death of a child as the result of action taken before or during the birth of the child with the intent to cause the death of the child;

(16) "birth" means the process by which a child leaves the womb;

(17) "child" means a natural person from the moment of conception until 18 years of age;

(18) "conception" means, notwithstanding any other provision of law, the beginning of biological development of a human organism when the sperm and the egg fuse, or, in the case of asexual reproduction, the equivalent stage of development when a complete new human organism is present;

(19) "natural person" means a human being, regardless of age, race, religion, size, sex, citizenship, ancestry, disability, deformity, location, stage of development, life expectancy, or condition of dependency from the moment of conception;

(20) "preborn child" means a natural person from the moment of conception who has not yet left the womb.

* **Sec. 5.** AS 01 is amended by adding a new chapter to read:

Chapter 15. Interpretation of Right to Privacy.

Sec. 01.15.010. Acts not protected under right to privacy. Notwithstanding any other provision of law, the intentional taking of innocent human life before, during, or after birth is not protected by a right to privacy under art. I, sec. 22, Constitution of the State of Alaska.

* **Sec. 6.** AS 08.64.364(c) is amended to read:

(c) Notwithstanding (a) and (b) of this section, a physician may not

(1) prescribe, dispense, or administer an abortion-inducing drug
[UNDER (a) OF THIS SECTION UNLESS THE PHYSICIAN COMPLIES WITH
AS 18.16.010]; or

(2) prescribe, dispense, or administer a prescription drug in response to
an Internet questionnaire or electronic mail message to a person with whom the
physician does not have a prior physician-patient relationship.

* **Sec. 7.** AS 09.55.585(a) is amended to read:

(a) A parent or legal guardian of a preborn [AN UNBORN] child may
maintain an action as plaintiff for the death of a preborn [AN UNBORN] child that
was caused by the wrongful act or omission of another.

* **Sec. 8.** AS 09.55.585(c) is amended to read:

(c) This section does not limit any other cause of action that a parent or legal
guardian may maintain for the death of a preborn [AN UNBORN] child.

* **Sec. 9.** AS 09.65 is amended by adding a new section to read:

Sec. 09.65.252. Immunity for actions relating to children. A person,
including a state officer or employee, may not be held liable for a good faith action
taken to implement the changes made by this Act.

* **Sec. 10.** AS 11.41.140 is amended to read:

Sec. 11.41.140. Definition. In AS 11.41.100 - 11.41.140 "person," [,] when
referring to the victim of a crime, means a human being who [HAS BEEN BORN
AND] was alive at the time of the criminal act. A person who is not a child is "alive"
if there is spontaneous respiratory or cardiac function, or, when respiratory and cardiac
functions are maintained by artificial means, there is spontaneous brain function. A
person who is a child is "alive" if

(1) the child meets the criteria under this section to be alive; or

(2) the child is in the process of developing the ability to meet the
criteria under this section to be alive.

* **Sec. 11.** AS 11.41.220(a) is amended to read:

(a) A person commits the crime of assault in the third degree if that person

(1) recklessly

(A) places another person in fear of imminent serious physical

injury by means of a dangerous instrument;

(B) causes physical injury to another person by means of a dangerous instrument; or

(C) while being 18 years of age or older,

(i) causes physical injury to a child under 12 years of age and the injury would cause a reasonable caregiver to seek medical attention from a health care professional in the form of diagnosis or treatment;

(ii) causes physical injury to a child under 12 years of age on more than one occasion;

(2) with intent to place another person in fear of death or serious physical injury to the person or the person's family member, makes repeated threats to cause death or serious physical injury to another person;

(3) while being 18 years of age or older, knowingly causes physical injury to a child under 16 years of age but at least 12 years of age and the injury reasonably requires medical treatment;

(4) with criminal negligence, causes serious physical injury under AS 11.81.900(b)(58)(B) to another person by means of a dangerous instrument; or

(5) commits a crime that is a violation of AS 11.41.230(a)(1) or (2) and, within the preceding 10 years, the person was convicted on two or more separate occasions of crimes under

(A) AS 11.41.100 - 11.41.140 [AS 11.41.100 - 11.41.170];

(B) AS 11.41.200 - 11.41.220 or [,] 11.41.230(a)(1) or (2) [, 11.41.280, OR 11.41.282];

(C) AS 11.41.260 or 11.41.270;

(D) AS 11.41.410, 11.41.420, or 11.41.425(a)(1); or

(E) a law or ordinance of this or another jurisdiction with elements similar to those of an offense described in (A) - (D) of this paragraph.

* **Sec. 12.** AS 11.81.250(a) is amended to read:

(a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, attempted murder in the first

1 degree, solicitation to commit murder in the first degree, conspiracy to commit murder
 2 in the first degree, [MURDER OF AN UNBORN CHILD,] sexual assault in the first
 3 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled
 4 substance in the first degree, sex trafficking in the first degree under
 5 AS 11.66.110(a)(2), and kidnapping, are classified on the basis of their seriousness,
 6 according to the type of injury characteristically caused or risked by commission of
 7 the offense and the culpability of the offender. Except for murder in the first and
 8 second degree, attempted murder in the first degree, solicitation to commit murder in
 9 the first degree, conspiracy to commit murder in the first degree, [MURDER OF AN
 10 UNBORN CHILD,] sexual assault in the first degree, sexual abuse of a minor in the
 11 first degree, misconduct involving a controlled substance in the first degree, sex
 12 trafficking in the first degree under AS 11.66.110(a)(2), and kidnapping, the offenses
 13 in this title are classified into the following categories:

14 (1) class A felonies, which characteristically involve conduct resulting
 15 in serious physical injury or a substantial risk of serious physical injury to a person;

16 (2) class B felonies, which characteristically involve conduct resulting
 17 in less severe violence against a person than class A felonies, aggravated offenses
 18 against property interests, or aggravated offenses against public administration or
 19 order;

20 (3) class C felonies, which characteristically involve conduct serious
 21 enough to deserve felony classification but not serious enough to be classified as A or
 22 B felonies;

23 (4) class A misdemeanors, which characteristically involve less severe
 24 violence against a person, less serious offenses against property interests, less serious
 25 offenses against public administration or order, or less serious offenses against public
 26 health and decency than felonies;

27 (5) class B misdemeanors, which characteristically involve a minor
 28 risk of physical injury to a person, minor offenses against property interests, minor
 29 offenses against public administration or order, or minor offenses against public health
 30 and decency;

31 (6) violations, which characteristically involve conduct inappropriate

1 to an orderly society but which do not denote criminality in their commission.

2 * **Sec. 13.** AS 11.81.250(b) is amended to read:

3 (b) The classification of each felony defined in this title, except murder in the
4 first and second degree, attempted murder in the first degree, solicitation to commit
5 murder in the first degree, conspiracy to commit murder in the first degree,
6 [MURDER OF AN UNBORN CHILD,] sexual assault in the first degree, sexual
7 abuse of a minor in the first degree, misconduct involving a controlled substance in the
8 first degree, sex trafficking in the first degree under AS 11.66.110(a)(2), and
9 kidnapping, is designated in the section defining it. A felony under the law of this state
10 defined outside this title for which no penalty is specifically provided is a class C
11 felony.

12 * **Sec. 14.** AS 12.55.035(b) is amended to read:

13 (b) Upon conviction of an offense, a defendant who is not an organization may
14 be sentenced to pay, unless otherwise specified in the provision of law defining the
15 offense, a fine of not more than

16 (1) \$500,000 for murder in the first or second degree, attempted
17 murder in the first degree, [MURDER OF AN UNBORN CHILD,] sexual assault in
18 the first degree, sexual abuse of a minor in the first degree, kidnapping, sex trafficking
19 in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled
20 substance in the first degree;

21 (2) \$250,000 for a class A felony;

22 (3) \$100,000 for a class B felony;

23 (4) \$50,000 for a class C felony;

24 (5) \$25,000 for a class A misdemeanor;

25 (6) \$2,000 for a class B misdemeanor;

26 (7) \$500 for a violation.

27 * **Sec. 15.** AS 12.55.125(a) is amended to read:

28 (a) A defendant convicted of murder in the first degree [OR MURDER OF
29 AN UNBORN CHILD UNDER AS 11.41.150(a)(1)] shall be sentenced to a definite
30 term of imprisonment of at least 30 years but not more than 99 years. A defendant
31 convicted of murder in the first degree shall be sentenced to a mandatory term of

1 imprisonment of 99 years when

2 (1) the defendant is convicted of the murder of a uniformed or
3 otherwise clearly identified peace officer, firefighter, or correctional employee who
4 was engaged in the performance of official duties at the time of the murder;

5 (2) the defendant has been previously convicted of

6 (A) murder in the first degree under AS 11.41.100 or former
7 AS 11.15.010 or 11.15.020;

8 (B) murder in the second degree under AS 11.41.110 or former
9 AS 11.15.030; or

10 (C) homicide under the laws of another jurisdiction when the
11 offense of which the defendant was convicted contains elements similar to first
12 degree murder under AS 11.41.100 or second degree murder under
13 AS 11.41.110;

14 (3) the defendant subjected the murder victim to substantial physical
15 torture;

16 (4) the defendant is convicted of the murder of and personally caused
17 the death of a person, other than a participant, during a robbery; or

18 (5) the defendant is a peace officer who used the officer's authority as a
19 peace officer to facilitate the murder.

20 * **Sec. 16.** AS 12.55.125(b) is amended to read:

21 (b) A defendant convicted of attempted murder in the first degree, solicitation
22 to commit murder in the first degree, conspiracy to commit murder in the first degree,
23 kidnapping, or misconduct involving a controlled substance in the first degree shall be
24 sentenced to a definite term of imprisonment of at least five years but not more than
25 99 years. A defendant convicted of murder in the second degree [OR MURDER OF
26 AN UNBORN CHILD UNDER AS 11.41.150(a)(2) - (4)] shall be sentenced to a
27 definite term of imprisonment of at least 15 years but not more than 99 years. A
28 defendant convicted of murder in the second degree shall be sentenced to a definite
29 term of imprisonment of at least 20 years but not more than 99 years when the
30 defendant is convicted of the murder of a child under 16 years of age and the court
31 finds by clear and convincing evidence that the defendant (1) was a natural parent, a

stepparent, an adoptive parent, a legal guardian, or a person occupying a position of authority in relation to the child; or (2) caused the death of the child by committing a crime against a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of authority" have the meanings given in AS 11.41.470.

* **Sec. 17.** AS 13.06.120(a) is amended to read:

(a) In any proceedings involving trusts, nonprobate assets, or estates of decedents, minors, protected persons, or incapacitated persons brought under AS 13.06 - AS 13.36 or AS 13.38, the following apply:

(1) interests to be affected shall be described in pleadings that give reasonable information to owners by name or class, by reference to the instrument creating the interests, or in other appropriate manner;

(2) persons are bound by orders binding others in the following cases:

(A) orders binding the sole holder or all co-holders of a power of revocation or a general or nongeneral power of appointment, including one in the form of a power of amendment, bind other persons to the extent their interests, as objects, takers in default, or otherwise, are subject to the power;

(B) to the extent there is no conflict of interest between them or among persons represented, orders binding a conservator bind the person whose estate the conservator controls; orders binding a guardian bind the ward if no conservator of the estate has been appointed; orders binding a trustee bind beneficiaries of the trust in proceedings to probate a will establishing or adding to a trust, to review the acts or accounts of a prior fiduciary, and in proceedings involving creditors or other third parties; orders binding a personal representative bind persons interested in the undistributed assets of a decedent's estate in actions or proceedings by or against the estate; and orders binding an agent having authority to act with respect to the particular questions or dispute bind the principal; if there is no conflict of interest and no conservator or guardian has been appointed, a parent may represent the minor child;

(C) a natural [AN UNBORN] person, a minor, an incapacitated person, or a person whose identity or location is unknown or not

1 reasonably ascertainable who is not otherwise represented is bound by an order
2 to the extent the interest is adequately represented by another party having a
3 substantially identical interest in the proceeding;

4 (D) with regard to interests given upon the happening of a
5 certain event to persons who comprise a certain class, orders binding the living
6 persons who would constitute the class, if the event had happened immediately
7 before the commencement of the proceeding, bind all members of the class;

8 (E) with regard to an interest given to a living person when the
9 same interest or a share of the interest is to pass to the surviving spouse or to
10 persons who are or might be the distributees, devisees, heirs, or issue of the
11 living person upon the happening of a future event, orders binding the living
12 person bind the surviving spouse, distributees, devisees, heirs, or issue of the
13 living person;

14 (F) with regard to interests given to a person or a class of
15 persons, or to both, upon the happening of a future event, if the same interest
16 or a share of the interest is to pass to another person or class of persons, or to
17 both, upon the happening of an additional future event, orders binding the
18 living person or class of persons who would take the interest upon the
19 happening of the first event bind the persons and classes of persons who might
20 take on the happening of the additional future event;

21 (G) if a person is designated by a trust instrument to represent
22 and bind a [BORN OR UNBORN] beneficiary of the trust and receive a notice,
23 information, accounting, or report for the beneficiary, then the beneficiary is
24 bound by an order binding the designated person; in this subparagraph,

25 (i) the settlor may make the designation in the trust
26 instrument, in a separate document, or by a trust protector authorized in
27 the trust instrument to make the designation;

28 (ii) except as otherwise provided in this subparagraph, a
29 person designated under (i) of this subparagraph may not represent and
30 bind a beneficiary while the designated person is serving as trustee;

31 (iii) except as otherwise provided in this subparagraph,

1 a person designated under (i) of this subparagraph may not represent
 2 and bind another beneficiary if the designated person also is a
 3 beneficiary, unless the designated person was named by the settlor, is
 4 the beneficiary's spouse, or is a grandparent or descendant of a
 5 grandparent of the beneficiary or the beneficiary's spouse; in this sub-
 6 subparagraph, "spouse" means the individual to whom the beneficiary
 7 is married and with whom the beneficiary is living, and a physical
 8 separation primarily for education, business, health, and similar reasons
 9 does not prevent the individual from being considered to be living with
 10 the beneficiary;

11 (3) a person representing another person under (2)(A) - (F) of this
 12 section and a person designated under (2)(G)(i) of this section are not liable to the
 13 beneficiary whose interests are represented, or to a person claiming through that
 14 beneficiary, for an action or omission to act made in good faith;

15 (4) notice is required as follows:

16 (A) notice as prescribed by AS 13.06.110 shall be given to
 17 every interested person or to one person who can bind an interested person as
 18 described in (2)(A), (B), or (D) - (G) of this section; notice may be given both
 19 to a person and to another person who may bind the person;

20 (B) notice is given to a natural person [UNBORN
 21 PERSONS], a minor, an incapacitated person, or a person whose identity or
 22 location is unknown or not reasonably ascertainable, and persons who are not
 23 represented under (2)(A), (B), or (D) - (G) of this section, by giving notice to
 24 all known persons whose interests in the proceedings are substantially identical
 25 to those of the natural person [UNBORN PERSONS], the minor, the
 26 incapacitated person, or the person whose identity or location is unknown or
 27 not reasonably ascertainable;

28 (5) at any point in a proceeding, a court may appoint a guardian ad
 29 litem to represent the interest of a natural [AN UNBORN] person, a minor, an
 30 incapacitated person, or a person whose identity or address is unknown or not
 31 reasonably ascertainable, if the court determines that representation of the interest

otherwise would be inadequate; if not precluded by conflict of interests, a guardian ad litem may be appointed to represent several persons or interests; the court shall set out its reasons for appointing a guardian ad litem as a part of the record of the proceeding.

* **Sec. 18.** AS 13.16.665 is amended to read:

Sec. 13.16.665. Effect of approval of agreements. A compromise of any controversy as to admission to probate of any instrument offered for formal probate as the will of a decedent, the construction, validity, or effect of any governing instrument, the rights or interests in the estate of the decedent, of any successor, or the administration of the estate, if approved in a formal proceeding in the court for that purpose, is binding on all the parties to the compromise including those [UNBORN,] unascertained or who could not be located. An approved compromise is binding even though it may affect a trust or an inalienable interest. A compromise does not impair the rights of creditors or of taxing authorities who are not parties to it.

* **Sec. 19.** AS 13.26.066(f) is amended to read:

(f) To designate an attorney-in-fact, a parent or guardian shall execute a power of attorney that is in substantially the following form:

STATUTORY FORM FOR POWER OF ATTORNEY

TO DELEGATE THE POWERS OF A PARENT OR GUARDIAN

Section 1. I certify that I am the parent or guardian of

(Full name of minor child) (Date of birth)

(Full name of minor child) (Date of birth)

(Full name of minor child) (Date of birth)

who is/are minor children.

Section 2. I designate _____ (Full name of attorney-in-fact), _____

(Street address, city, state, and zip code of attorney-in-fact)

(Home telephone of attorney-in-fact) (Work telephone of attorney-in-

fact)

as the attorney-in-fact of each minor child named above.

Section 3. I delegate to the attorney-in-fact all of my power and authority regarding the care and custody of each minor child named above, including the right to enroll the child in school, the right to inspect and obtain copies of education records and other records concerning the child, the right to attend school activities and other functions concerning the child, and the right to give or withhold any consent or waiver with respect to school activities, medical treatment, dental treatment, and other activity, function, or treatment that may concern the minor child. This delegation does not include the power or authority to consent to the marriage or adoption of the minor child [, THE PERFORMANCE OR INDUCEMENT OF AN ABORTION ON OR FOR THE MINOR CHILD,] or the termination of parental rights to the minor child.

OR

Section 4. I delegate to my attorney-in-fact the following specific powers and responsibilities (write in):

Delegation under this section does not include the power or authority to consent to the marriage or adoption of the minor child [, THE PERFORMANCE OR INDUCEMENT OF AN ABORTION ON OR FOR THE MINOR CHILD,] or the termination of parental rights to the minor child.

(If you complete Section 4, Section 3 does not apply).

Section 5. This power of attorney is effective for a period not to exceed one year, beginning _____, 20 _____, and ending _____, 20 _____. I reserve the right to revoke this authority at any time.

OR

Section 6. I am a military parent or guardian under AS 13.26.023(d). My active duty is scheduled to begin on _____, 20 _____, and is estimated to end on _____, 20 _____. I acknowledge that this power of attorney will not last more than one year, or the term of my active duty service plus 30

1 days, whichever period is longer.

2 By: _____

3 (Parent/guardian signature)

4 Section 7. I hereby accept my designation as attorney-in-fact for the minor
5 child/children identified in this power of attorney.

6 _____
7 (Attorney-in-fact signature)

8 State of _____

9 _____ Judicial District

10 ACKNOWLEDGMENT

11 Before me, the undersigned, a Notary Public, in and for the Judicial District
12 and State identified above, on this ____ day of _____, 20 ____,
13 personally appeared _____ (name of parent/guardian)
14 and _____ (name of attorney-in-fact), to me known to
15 be the persons who executed this power of attorney, and each acknowledged to
16 me that each executed the same as the person's free and voluntary act and deed
17 for the uses and purposes set out in this power of attorney.

18 Witness my hand and official seal the day and year written above.

19 _____
20 (Signature of notary public)

21 (Seal, if any)

22 _____
23 (Title and rank)

24 My commission expires: _____

25 * **Sec. 20.** AS 13.26.316(e) is amended to read:

26 (e) A guardian may not

27 (1) place the ward in a facility or institution for the mentally ill other
28 than through a formal commitment proceeding under AS 47.30 in which the ward has
29 a separate guardian ad litem;

30 (2) consent on behalf of the ward to [AN ABORTION,] sterilization,
31 psychosurgery, or removal of bodily organs except when necessary to preserve the life

1 or prevent serious impairment of the physical health of the ward;

2 (3) consent on behalf of the ward to the withholding of lifesaving
3 medical procedures; however, a guardian is not required to oppose the cessation or
4 withholding of lifesaving medical procedures when those procedures will serve only to
5 prolong the dying process and offer no reasonable expectation of effecting a
6 temporary or permanent cure of or relief from the illness or condition being treated
7 unless the ward has clearly stated that lifesaving medical procedures not be withheld; a
8 guardian is not civilly liable for acts or omissions under this paragraph unless the act
9 or omission constitutes gross negligence or reckless or intentional misconduct;

10 (4) consent on behalf of the ward to the performance of an
11 experimental medical procedure or to participation in a medical experiment not
12 intended to preserve the life or prevent serious impairment of the physical health of
13 the ward;

14 (5) consent on behalf of the ward to termination of the ward's parental
15 rights;

16 (6) prohibit the ward from registering to vote or from casting a ballot
17 at public election;

18 (7) prohibit the ward from applying for and obtaining a driver's
19 license;

20 (8) prohibit the marriage or divorce of the ward.

21 * **Sec. 21.** AS 13.52.050 is amended to read:

22 **Sec. 13.52.050. Decisions for exceptional procedures.** Unless there is a
23 durable power of attorney for health care or another writing clearly expressing an
24 individual's intent to the contrary, an agent or surrogate may not consent on behalf of a
25 patient to [AN ABORTION,] sterilization, psychosurgery, or removal of bodily organs
26 except when the [ABORTION,] sterilization, psychosurgery, or removal of bodily
27 organs is necessary to preserve the life of the patient or to prevent serious impairment
28 of the health of the patient.

29 * **Sec. 22.** AS 18.05.032(a) is amended to read:

30 (a) The department shall maintain on the Internet, in printable form, standard
31 information that

(1) contains geographically indexed material designed to inform a person of public and private agencies, services, clinics, and facilities that are available to assist a woman with the woman's reproductive choices; the department shall include information about at least the following types of agencies, services, clinics, and facilities:

(A) agencies, services, clinics, and facilities designed to assist a woman through pregnancy, including adoption agencies, and counseling services;

(B) agencies, services, clinics, and facilities that provide [ABORTION OPTIONS AND COUNSELING AND] post-abortion counseling and services; and

(C) agencies, services, clinics, and facilities designed to assist with or provide contraceptive options and counseling for appropriate family planning;

(2) includes a comprehensive regional directory of the agencies, services, clinics, and facilities that request to be identified by the department under (1) of this subsection, a description of the services they offer, and the manner in which the agencies, services, clinics, and facilities may be contacted, including telephone numbers;

(3) provides information concerning the eligibility for medical assistance benefits for prenatal care, childbirth, neonatal care, [ABORTION SERVICES,] women's health care, and contraception;

(4) [STATES THAT INFORMED AND VOLUNTARY CONSENT IS REQUIRED UNDER AS 18.16.060 FOR AN ABORTION;

(5)] provides information concerning the process by which a mother of a child may establish a child support order to assist in the support of a child;

(5) [(6)] describes the fetal development of a typical [UNBORN] child at two-week gestational increments from fertilization to full-term, including links to photographs of a typical [UNBORN] child at four-week gestational increments, and relevant information about the possibility of a [AN UNBORN] child's survival at the various gestational ages; the information must be objective, nonjudgmental

1 information that is reviewed and approved for medical accuracy by recognized
 2 obstetrical and gynecological specialists designated by the State Medical Board and
 3 designed to convey only accurate scientific information about [UNBORN] children at
 4 various gestational ages;

5 (6) [(7)] contains objective, unbiased information that is reviewed and
 6 approved for medical accuracy by recognized obstetrical and gynecological specialists
 7 designated by the state medical board;

8 (7) [AND THAT DESCRIBES THE METHODS OF ABORTION
 9 PROCEDURES AND TREATMENTS COMMONLY EMPLOYED AND THE
 10 MEDICAL RISKS AND POSSIBLE COMPLICATIONS COMMONLY
 11 ASSOCIATED WITH EACH PROCEDURE AND TREATMENT, AS WELL AS
 12 THE POSSIBLE PHYSICAL AND PSYCHOLOGICAL EFFECTS THAT HAVE
 13 BEEN ASSOCIATED WITH HAVING AN ABORTION;

14 (8)] contains objective, unbiased information that is reviewed and
 15 approved for medical accuracy by recognized obstetrical and gynecological specialists
 16 designated by the State Medical Board and that describes the possible medical risks
 17 and complications commonly associated with pregnancy and childbirth, as well as the
 18 possible physical and psychological effects that have been associated with carrying a
 19 child to term;

20 (8) [(9)] contains objective, unbiased information that is reviewed and
 21 approved for medical accuracy by recognized obstetrical and gynecological specialists
 22 designated by the State Medical Board and that concerns the harmful effects on a [AN
 23 UNBORN] child when a woman consumes alcohol, tobacco, or illegal drugs during
 24 pregnancy;

25 (9) [(10)] contains objective, unbiased, and comprehensive information
 26 that is reviewed and approved for medical accuracy by recognized obstetrical and
 27 gynecological specialists designated by the State Medical Board and that describes the
 28 different types of available contraceptive choices, including abstinence and natural
 29 family planning, that describes the methods of contraception that are intended to
 30 prevent fertilization [AND THE METHODS THAT ARE INTENDED TO PREVENT
 31 IMPLANTATION OF A FERTILIZED EGG], and that describes the reliability,

1 psychological effects, medical risks, and complications commonly associated with
2 each method;

3 (10) [(11)] contains a disclaimer on the website home page concerning
4 the graphic or sensitive nature of the information contained on the website;

5 (11) [(12)] contains a signature form by which a person may indicate
6 the person has reviewed the information.

7 * **Sec. 23.** AS 18.05.032(c)(3) is amended to read:

8 (3) "gestational age" means the age of the [UNBORN] child as
9 calculated from the first day of the last menstrual period of a pregnant woman;

10 * **Sec. 24.** AS 21.07.250(3) is amended to read:

11 (3) "emergency medical condition" means a medical condition
12 manifesting itself by acute symptoms of sufficient severity, including severe pain, that
13 a prudent person who possesses an average knowledge of health and medicine could
14 reasonably expect that the absence of immediate medical attention would result in
15 serious impairment of bodily functions, serious dysfunction of a bodily organ or part,
16 or would place the person's health or, with respect to a pregnant woman, the health of
17 the woman or her [UNBORN] child, in serious jeopardy.

18 * **Sec. 25.** AS 25.20.025(a) is amended to read:

19 (a) **A minor** [EXCEPT AS PROHIBITED UNDER AS 18.16.010(a)(3),]

20 (1) [A MINOR] who is living apart from the minor's parents or legal
21 guardian and who is managing the minor's own financial affairs, regardless of the
22 source or extent of income, may give consent for medical and dental services for the
23 minor;

24 (2) [A MINOR] may give consent for medical and dental services if
25 the parent or legal guardian of the minor cannot be contacted or, if contacted, is
26 unwilling either to grant or withhold consent; however, where the parent or legal
27 guardian cannot be contacted or, if contacted, is unwilling either to grant or to
28 withhold consent, the provider of medical or dental services shall counsel the minor
29 keeping in mind not only the valid interests of the minor but also the valid interests of
30 the parent or guardian and the family unit as best the provider presumes them;

31 (3) [A MINOR] who is the parent of a child may give consent to

1 medical and dental services for the minor or the child;

2 (4) [A MINOR] may give consent for diagnosis, prevention or
3 treatment of pregnancy, and for diagnosis and treatment of venereal disease [;

4 (5) THE PARENT OR GUARDIAN OF THE MINOR IS RELIEVED
5 OF ALL FINANCIAL OBLIGATION TO THE PROVIDER OF THE SERVICE
6 UNDER THIS SECTION].

7 * **Sec. 26.** AS 25.20.025 is amended by adding a new subsection to read:

8 (d) The parent or guardian of a minor is relieved of all financial obligation to a
9 provider of a service under this section.

10 * **Sec. 27.** AS 25.23.240(3) is amended to read:

11 (3) "child" **includes a biological or adopted child** [MEANS A SON
12 OR DAUGHTER, WHETHER BY BIRTH OR BY ADOPTION];

13 * **Sec. 28.** AS 44.21.410(a) is amended to read:

14 (a) The office of public advocacy shall

15 (1) perform the duties of the public guardian under AS 13.26.700 -
16 13.26.750;

17 (2) provide visitors and experts in guardianship proceedings under
18 AS 13.26.291;

19 (3) provide guardian ad litem services to children in child protection
20 actions under AS 47.17.030(e) and to wards and respondents in guardianship
21 proceedings who will suffer financial hardship or become dependent **on** [UPON] a
22 government agency or a private person or agency if the services are not provided at
23 state expense under AS 13.26.041;

24 (4) provide legal representation [IN CASES INVOLVING JUDICIAL
25 BYPASS PROCEDURES FOR MINORS SEEKING ABORTIONS UNDER
26 AS 18.16.030,] in guardianship proceedings to respondents who are financially unable
27 to employ attorneys under AS 13.26.226(b), to indigent parties in cases involving
28 child custody in which the opposing party is represented by counsel provided by a
29 public agency, and to indigent parents or guardians of a minor respondent in a
30 commitment proceeding concerning the minor under AS 47.30.775;

31 (5) provide legal representation and guardian ad litem services under

AS 25.24.310; in cases arising under AS 47.15 (Interstate Compact for Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or petitions for the termination of parental rights under AS 25.23.180(c)(2); in cases involving petitions to remove the disabilities of a minor under AS 09.55.590; in children's proceedings under AS 47.10.050(a) or under AS 47.12.090; in cases involving appointments under AS 18.66.100(a) in petitions for protective orders on behalf of a minor; and in cases involving indigent persons who are entitled to representation under AS 18.85.100 and who cannot be represented by the public defender agency because of a conflict of interests;

(6) develop and coordinate a program to recruit, select, train, assign, and supervise volunteer guardians ad litem from local communities to aid in delivering services in cases in which the office of public advocacy is appointed as guardian ad litem;

(7) provide guardian ad litem services in proceedings under AS 12.45.046 or AS 18.15.355 - 18.15.395;

(8) establish a fee schedule and collect fees for services provided by the office, except as provided in AS 18.85.120 or when imposition or collection of a fee is not in the public interest as defined under regulations adopted by the commissioner of administration;

(9) provide visitors and guardians ad litem in proceedings under AS 47.30.839;

(10) provide legal representation to an indigent parent of a child with a disability; in this paragraph, "child with a disability" has the meaning given in AS 14.30.350;

(11) investigate complaints and bring civil actions under AS 44.21.415(a) involving fraud committed against residents of the state who are 60 years of age or older; in this paragraph, "fraud" has the meaning given in AS 44.21.415.

* **Sec. 29.** AS 44.23.020 is amended by adding new subsections to read:

(k) The attorney general may defend a citizen of the state who is prosecuted by the federal government for violation of federal law requiring the procurement or

1 facilitation of abortion in the state.

2 (l) The attorney general shall file legal action necessary to prevent the
3 implementation of a federal statute, regulation, rule, or order that violates the rights of
4 a resident of the state.

5 (m) The attorney general may not enter an appearance in a federal civil action
6 related to the Life at Conception Act or the Abolition of Abortion Act of 2019.

7 * **Sec. 30.** AS 44.23 is amended by adding a new section to read:

8 **Sec. 44.23.075. State policy concerning facilitation of abortion.** A federal
9 statute, regulation, rule, or order adopted, enacted, or otherwise effective on or after
10 the effective date of this Act is unenforceable in the state by an official, agent, or
11 employee of the state, a municipality, or the federal government if the federal statute,
12 regulation, rule, or order violates the Fifth or Fourteenth Amendments to the
13 Constitution of the United States or art. I, sec. 1 or art. I, sec. 7, Constitution of the
14 State of Alaska, by

15 (1) requiring that assistance be given to facilitate an abortion in the
16 state; or

17 (2) requiring that assistance be given to facilitate the removal of a child
18 from the state for the purpose of killing the child.

19 * **Sec. 31.** AS 44.99.040(a) is amended to read:

20 (a) A state or municipal agency may not use or authorize the use of an asset to
21 implement or aid in the implementation of a requirement of

22 (1) an order of the President of the United States, a federal regulation,
23 or a law enacted by the United States Congress that is applied to

24 (A) infringe on a person's right, under the Second Amendment
25 to the Constitution of the United States, to keep and bear arms;

26 (B) deny a person a right to due process, or a protection of due
27 process, that would otherwise be available to the person under the Constitution
28 of the State of Alaska or the Constitution of the United States;

29 **(C) infringe on a person's right to life under the Fifth and**
30 **Fourteenth Amendments to the Constitution of the United States** [; OR]

31 (2) [REPEALED].

1 * **Sec. 32.** AS 08.64.105, 08.64.326(a)(10), 08.64.364(c)(1); AS 09.55.585(b)(1),
2 09.55.585(b)(3), 09.55.585(d); AS 11.41.150, 11.41.160, 11.41.170, 11.41.180, 11.41.280,
3 11.41.282, 11.41.289; AS 11.81.900(b)(65); AS 13.26.066(a)(2); AS 18.05.032(c)(1),
4 18.05.032(c)(4), 18.05.035; AS 18.16.010, 18.16.020, 18.16.030, 18.16.040, 18.16.050,
5 18.16.060, 18.16.090; and AS 47.07.068 are repealed.

6 * **Sec. 33.** The uncoded law of the State of Alaska is amended by adding a new section to
7 read:

8 APPLICABILITY. The repeals of AS 11.41.150, 11.41.160, 11.41.170, 11.41.180,
9 11.41.280, 11.41.282, 11.41.289, and AS 11.81.900(b)(65) by sec. 32 of this Act apply to
10 offenses committed on or after the effective date of sec. 32 of this Act.

11 * **Sec. 34.** The uncoded law of the State of Alaska is amended by adding a new section to
12 read:

13 NONSEVERABILITY. Notwithstanding AS 01.10.030, the provisions of this Act are
14 not severable.

15 * **Sec. 35.** This Act takes effect immediately under AS 01.10.070(c).