

HOUSE BILL NO. 284

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE RASMUSSEN

Introduced: 2/24/20

Referred: Health & Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting abortions when the age of the unborn child is 20 weeks or older**
2 **with certain exceptions; and repealing a prohibition against partial-birth abortions."**

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

4 * **Section 1.** AS 18.16.010(a) is amended to read:

5 (a) **Except as provided in (k) of this section, an** [AN] abortion may **only**
6 [NOT] be performed **or induced** in this state **if** [UNLESS]

7 (1) the abortion is performed by a physician licensed by the State
8 Medical Board under AS 08.64.200;

9 (2) the abortion is performed in a hospital or other facility approved for
10 the purpose by the Department of Health and Social Services or a hospital operated by
11 the federal government or an agency of the federal government;

12 (3) before an abortion is knowingly performed or induced on a
13 pregnant, unmarried, unemancipated woman under 18 years of age, notice or consent
14 have been given as required under AS 18.16.020 or a court has authorized the minor to

1 proceed with the abortion without parental involvement under AS 18.16.030 and the
 2 minor consents; for purposes of enforcing this paragraph, there is a rebuttable
 3 presumption that a woman who is unmarried and under 18 years of age is
 4 unemancipated;

5 (4) the woman is domiciled or physically present in the state for 30
 6 days before the abortion; [AND]

7 (5) the applicable requirements of AS 18.16.060 have been satisfied;
 8 **and**

9 **(6) the fetal age of the unborn child at the time the abortion is**
 10 **performed or induced is less than 20 weeks.**

11 * **Sec. 2.** AS 18.16.010 is amended by adding new subsections to read:

12 (k) A physician may perform or induce an abortion when the fetal age of the
 13 unborn child is 20 weeks or older only if

14 (1) the pregnancy is the result of sexual assault under AS 11.41.410 -
 15 11.41.427, sexual abuse of a minor under AS 11.41.434 - 11.41.440, incest under
 16 AS 11.41.450, or an offense under a law of another jurisdiction with elements similar
 17 to one of these offenses; or

18 (2) the abortion is medically necessary.

19 (l) When a physician performs or induces an abortion under (k) of this section,
 20 the physician shall use the method of terminating the pregnancy that provides the best
 21 opportunity for the unborn child to survive after the child is removed from the
 22 pregnant woman's womb if, in the physician's clinical judgment,

23 (1) the unborn child is viable outside the pregnant woman's womb; and

24 (2) the method of terminating the pregnancy does not present a serious
 25 risk to the life or physical health of the pregnant woman.

26 (m) If the unborn child is removed from the pregnant woman's womb alive
 27 under (l) of this section, any health care practitioner present shall exercise the same
 28 degree of professional skill, care, and diligence to preserve the life and health of the
 29 child as a reasonably diligent and conscientious health care practitioner would render
 30 to a child born alive at the same fetal age in the course of a natural birth.

31 (n) In this section,

1 (1) "alive" means that a child, after birth or removal from a pregnant
2 woman's womb, has spontaneous respiratory or cardiac function or pulsation of the
3 umbilical cord, regardless of whether the umbilical cord has been cut;

4 (2) "clinical judgment" means a physician's or surgeon's subjective
5 professional medical judgment exercised in good faith;

6 (3) "fertilization" has the meaning given in AS 18.05.032;

7 (4) "fetal age" means the age of the unborn child as calculated from the
8 moment of fertilization;

9 (5) "knowingly" has the meaning given in AS 11.81.900(a);

10 (6) "viable" means capable of surviving outside the womb, with or
11 without artificial aid.

12 * **Sec. 3.** AS 18.16.010(g)(1) and 18.16.050 are repealed.

13 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **APPLICABILITY.** Section 1 of this Act applies to abortions performed or induced on
16 or after the effective date of this Act.