



## Alaska | RANKING: 30

Alaska maintains few legal protections for women seeking abortion. The Alaska Supreme Court has determined that the state constitution provides a broader right to abortion than that interpreted in the U.S. Constitution and, using this reasoning, struck down the state's parental notice law. Moreover, it maintains no laws regulating emerging biotechnologies.

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### ABORTION

- The Alaska Supreme Court has determined that the Alaska Constitution provides for a broader right to abortion than that interpreted in the U.S. Constitution.
- Alaska maintains an abortion information website and requires that a woman seeking an abortion certify in writing that a physician provided her with information on the following: fetal development, various abortion procedures, possible risks and complications associated with abortion and childbirth, eligibility requirements for medical assistance benefits, child support orders, and contraceptive options.
- It includes information about the abortion-breast cancer link in the educational materials a woman must receive prior to an abortion.
- Alaska requires a parent be notified before a minor under the age of 18 obtains an abortion unless the minor is the victim of abuse by a parent or legal guardian, there is a medical emergency, or the minor obtains a court order. The law is permanently enjoined.
- Alaska limits the performance of abortions to licensed physicians. However, the Alaska Attorney General has issued opinions that laws requiring that only licensed physicians perform abortions and imposing minimal health and safety regulations on abortion clinics are unconstitutional and unenforceable.
- Alaska law allows for telemedicine abortion if all other abortion requirements be met, including that the abortion provider be in the room.
- Alaska has an enforceable abortion reporting law but does not require the reporting of information to the Centers for Disease Control (CDC). The measure applies to both surgical and nonsurgical abortions.
- In 2014, Alaska enacted a law prohibiting state taxpayer dollars under its state Medicaid program to pay for abortion services unless the abortion is a “medically necessary abortion”, or the pregnancy was the result of rape or incest. A “medically necessary abortion” is defined as an abortion “performed to avoid a threat of serious risk to the life or physical health of a woman.” The law is enjoined and in ongoing litigation. With the law enjoined, Alaska is required to fund abortions “necessary to prevent the death or disability of the woman, or to ameliorate a condition harmful to the woman's physical or psychological health.”
- Alaska offers “Choose Life” license plates, the proceeds of which benefit organizations providing abortion alternatives.

## **LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS**

- Alaska law does not affirmatively protect infants born alive during botched abortions.
- Under Alaska criminal law, an unborn child at any stage of development may be considered a victim of murder, manslaughter, and criminally negligent homicide.
- Alaska also criminalizes nonfatal assaults on the unborn.
- Alaska provides a wrongful death (civil) cause of action when an unborn child at any stage of development is killed through a negligent or criminal act.
- Alaska maintains a “Baby Moses” law, which provides immunity for a parent who leaves an unharmed infant, no more than 21 days old, with police, medical personnel, hospital employees, emergency services personnel, or any person the parent believes will act in the infant’s best interest.
- Alaska requires healthcare professionals to report suspicions of drug use during pregnancy.
- In the case of a stillbirth, Alaska law requires that the mother and the father (if present) must be advised that they may request the preparation of a Certificate of Birth Resulting in Stillbirth.

## **BIOETHICS LAWS**

- Alaska maintains no laws regarding human cloning, destructive embryo research, fetal experimentation, human egg harvesting, or assisted reproductive technologies, and it does not promote ethical research alternatives.

## **PATIENT PROTECTION LAWS**

- Alaska law specifically prohibits suicide by physician, classifying it as manslaughter.

## **HEALTHCARE FREEDOM OF CONSCIENCE**

### **PARTICIPATION IN ABORTION**

- Alaska law provides that no person or hospital may be required to participate in an abortion.
- Legal protection for hospitals was narrowed through court decisions. Currently, non-sectarian hospitals built or operated with public funds may not refuse to offer or provide abortions.

### **PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE**

- Alaska currently provides no protection for the conscience rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research that violate a provider’s moral or religious beliefs.

## **WHAT HAPPENS AFTER *ROE* IS OVERTURNED?**

- Abortion will be legal throughout pregnancy due to a state court decision.

# RECOMMENDATIONS FOR ALASKA

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## WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
  - 24-hour reflection period for abortion
  - Coercive Abuse Against Mothers Prevention Act
  - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
  - Drug-Induced Abortion Information and Reporting Act
  - Components of the Child Protection Act related to mandatory reporting of abuse and remedies for third-party interference with parental rights
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## INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
  - Perinatal Hospice Information Act
  - Prenatal Nondiscrimination Act
  - Born-Alive Infant Protection Act
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## PATIENT PROTECTION ACT PRIORITIES

- Joint Resolution Opposing Suicide by Physician
  - Charlie Gard Act (formerly the Life Sustaining Care Act)
  - Pain Management Education Act
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## ADDITIONAL PRIORITIES

### ABORTION

- State Constitutional Amendment (providing that there is no state constitutional right to abortion)
- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion-Mandate Opt-Out Act

### LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Pregnant Woman's Protection Act

### BIOETHICS

- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

### HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act