In October 2012, a state superior court upheld Alaska’s parental notice law, providing minors and parents with an important victory following 15 years of obstructionism from abortion advocates.

**ABORTION**

- The Alaska Supreme Court has determined that the Alaska Constitution provides for a broader right to abortion than does the U.S. Constitution.

- Alaska maintains an abortion information website and requires that a woman seeking 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.

- The state includes information about the abortion-breast cancer link in the educational materials a woman must receive prior to abortion.

- The state requires that 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.

- 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 maintains an enforceable abortion reporting law, but the measure does not require the reporting of information to the Centers for Disease Control (CDC). The measure pertains to both surgical and nonsurgical abortions.

- Alaska taxpayers are required by court order to fund “medically necessary” abortions for women eligible for public assistance. This requirement essentially equates to funding abortion-on-demand in light of the U.S. Supreme Court’s broad definition of “health” in the context of abortion. However, in both 2011 and 2012, the legislature approved appropriations that limit Medicaid funding for abortion to cases of rape, incest, or life endangerment.

- Alaska has authorized “Choose Life” specialty license plates. The proceeds from the sale of the plates benefit pregnancy care centers. In 2012, the state also allocated $200,000 for the creation of a pregnancy center.
• Prior to the FDA’s August 2006 decision allowing Plan B to be distributed over the counter, Alaska enacted a law permitting pharmacists to dispense “emergency contraception” directly to women without a prescription. Under that law, a pharmacist first had to be approved by a physician or advance practice nurse and by the Alaska Pharmacy Board.

**LEGAL RECOGNITION OF UNBORN AND NEWLY BORN**

• 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 allows a wrongful death (civil) action only when an unborn child is born alive following a negligent or criminal act and dies thereafter.

• 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 abuse or 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**

• 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.

**END OF LIFE**

• Alaska law specifically prohibits assisted suicide. Under the law, assisted suicide constitutes manslaughter.
HEALTHCARE FREEDOM OF CONSCIENCE

Participation in Abortion

- Alaska law provides that no person or hospital may be required to participate in an abortion.

- However, court decisions have narrowed the legal protection for hospitals. 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 rights of conscience of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other immoral forms of medical research.

WHAT HAPPENED IN 2012

- In October 2012, a state superior court upheld Alaska’s parental notification law.

- Alaska Governor Sean Parnell signed a budget bill limiting Medicaid funding for abortion to cases of rape, incest, or life endangerment.

- Alaska established “Choose Life” specialty license plates. The proceeds from the sale of the plates benefits pregnancy care centers. The state also allocated $200,000 for the creation of a pregnancy center.

- Alaska considered legislation banning abortion at 20 weeks gestation, relating to informed consent and abortion funding, and mandating an ultrasound prior to an abortion.

- Alaska considered a measure relating to the provision or withholding of life-sustaining treatments
RECOMMENDATIONS
for ALASKA

TOP PRIORITIES

- State Constitutional Amendment (providing that there is no state constitutional right to abortion)
- Abortion Mandate Opt-Out Act
- Defunding the Abortion Industry and Advancing Women's Health Act
- Women’s Health Protection Act (abortion clinic regulations)
- Abortion-Inducing Drugs Safety Act

ADDITIONAL PRIORITIES

Abortion
- Reflection period for abortion
- Women’s Ultrasound Right to Know Act
- Coercive Abuse Against Mother’s Prevention Act
- Child Protection Act
- Joint Resolution Commending Pregnancy Care Centers

Legal Recognition and Protection for the Unborn
- Unborn Wrongful Death Act
- Born-Alive Infant Protection Act
- 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