

SENATE BILL NO. 49

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATORS COGHILL, Olson, Kelly, Dyson, Micciche, Dunleavy, Giessel

Introduced: 2/11/13

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act defining 'medically necessary abortion' for purposes of making payments**
2 **under the state Medicaid program."**

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

4 *** Section 1.** AS 47.07 is amended by adding a new section to read:

5 **Sec. 47.07.068. Payment for abortions.** (a) The department may not pay for
6 abortion services under this chapter unless the abortion services are for a medically
7 necessary abortion or the pregnancy was the result of rape or incest and the rape or
8 incest was promptly reported to law enforcement or public health authorities. Payment
9 may not be made for an elective abortion.

10 (b) In this section,

11 (1) "abortion" has the meaning given in AS 18.16.090;

12 (2) "elective abortion" means an abortion that is not a medically
13 necessary abortion;

14 (3) "medically necessary abortion" means that, in a physician's

1 objective and reasonable professional judgment after considering medically relevant
 2 factors, an abortion must be performed to avoid a threat of serious risk to the life or
 3 physical health of a woman from continuation of the woman's pregnancy;

4 (4) "serious risk to the life or physical health" includes, but is not
 5 limited to, a serious risk to the pregnant woman of

6 (A) death; or

7 (B) impairment of a major bodily function because of

8 (i) diabetes with acute metabolic derangement or severe
 9 end organ damage;

10 (ii) renal disease that requires dialysis treatment;

11 (iii) severe pre-eclampsia;

12 (iv) eclampsia;

13 (v) convulsions;

14 (vi) status epilepticus;

15 (vii) sickle cell anemia;

16 (viii) severe congenital or acquired heart disease, class

17 IV;

18 (ix) pulmonary hypertension;

19 (x) malignancy if pregnancy would prevent or limit
 20 treatment;

21 (xi) kidney infection;

22 (xii) congestive heart failure;

23 (xiii) epilepsy;

24 (xiv) seizures;

25 (xv) coma;

26 (xvi) severe infection exacerbated by pregnancy;

27 (xvii) rupture of amniotic membranes;

28 (xviii) advanced cervical dilation of more than six
 29 centimeters at less than 22 weeks gestation;

30 (xix) cervical or cesarean section scar ectopic
 31 implantation;

- 1 (xx) any pregnancy not implanted in the uterine cavity;
- 2 (xxi) amniotic fluid embolus; or
- 3 (xxii) another debilitating physical condition.