

HOUSE BILL NO. 205

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/16/23

Referred: Health and 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 uncodified 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 Preborn
4 Child Equality Act of 2024.

5 * **Sec. 2.** The uncodified 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 opening words of the Constitution of the State of Alaska declare, in art.
10 I, sec. 1, that "This constitution is dedicated to the principles that all persons have a natural
11 right to life," and in art. I, sec. 7, the Constitution of the State of Alaska further declares that
12 "No person shall be deprived of life, liberty, or property, without due 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, parentage, ancestry, location, disability, deformity, stage of development,
23 life 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 judicial branch, and further, the legislature
29 has not 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, order, or court order that has the purpose,
 14 intent, or effect of legalizing any abortion in the state infringes on a child's right to life in
 15 violation of the Fourteenth Amendment to the Constitution of the United States and, therefore,
 16 is not made in accordance with the Constitution of the United States, is not authorized by the
 17 Constitution of the United States, is not the supreme law of the land, and, consequently, is
 18 invalid in this state and shall be considered null and void and of no effect in this state.

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

20 (d) A preborn child is a resident of the state if the mother of the preborn child
 21 is a resident of the state under this section. This subsection is not subject to judicial
 22 review.

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

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

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

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

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

1 when a complete new human organism is present;

2 (19) "natural person" means, notwithstanding any other provision of
3 law, a human being, regardless of age, race, religion, size, sex, citizenship, parentage,
4 ancestry, disability, deformity, location, stage of development, life expectancy, or
5 condition of dependency from the moment of conception;

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

8 * **Sec. 5.** AS 01.10.060 is amended by adding a new subsection to read:

9 (c) The terms defined in (a)(15) - (20) of this section are not subject to judicial
10 review.

11 * **Sec. 6.** AS 01 is amended by adding a new chapter to read:

12 **Chapter 20. Implementation of Right to Privacy.**

13 **Sec. 01.20.010. Acts not protected under right to privacy.** Notwithstanding
14 any other provision of law, intentionally causing the death of a natural person before,
15 during, or after birth is not protected by a right to privacy under art. I, sec. 22,
16 Constitution of the State of Alaska. This chapter is not subject to judicial review.

17 * **Sec. 7.** AS 08.64.364(c) is amended to read:

18 (c) Notwithstanding (a) and (b) of this section,

19 (1) a physician may not prescribe, dispense, or administer an abortion-
20 inducing drug [UNDER (a) OF THIS SECTION UNLESS THE PHYSICIAN
21 COMPLIES WITH AS 18.16.010]; and

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

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

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

30 * **Sec. 9.** AS 09.55.585(c) is amended to read:

31 (c) This section does not limit any other cause of action that a parent or legal

1 **guardian** may maintain for the death of **a preborn** [AN UNBORN] child.

2 * **Sec. 10.** AS 09.65 is amended by adding a new section to read:

3 **Sec. 09.65.252. Immunity for actions relating to children.** A person,
4 including a state officer or employee, may not be held liable for a good faith action
5 taken to implement the changes made by this Act. This section is not subject to
6 judicial review.

7 * **Sec. 11.** AS 11.41.115 is amended by adding a new subsection to read:

8 (g) In a prosecution under AS 11.41.100(a)(1)(A), 11.41.110(a)(1), or
9 11.41.120(a)(1), it is an affirmative defense that the defendant was a licensed
10 physician making, in good faith and consistent with conventional medical practices, an
11 effort to preserve the life of a pregnant woman and a preborn child. This subsection
12 does not apply to a licensed physician who causes the death of a preborn child based
13 on concerns the pregnant woman is a danger to self or others.

14 * **Sec. 12.** AS 11.41.140 is amended to read:

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

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

22 **(2) is in the process of developing the ability to meet the criteria**

23 **under this section to be alive.**

24 * **Sec. 13.** AS 11.41.220(a) is amended to read:

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

26 (1) recklessly

27 (A) places another person in fear of imminent serious physical
28 injury by means of a dangerous instrument;

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

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

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

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

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

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

13 (4) with criminal negligence, causes serious physical injury under
 14 AS 11.81.900(b)(59)(B) to another person by means of a dangerous instrument; or

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

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

19 (B) AS 11.41.200 - 11.41.220 or [,] 11.41.230(a)(1) or (2) [,]
 20 11.41.280, OR 11.41.282];

21 (C) AS 11.41.260 or 11.41.270;

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

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

25 * **Sec. 14.** AS 11.81.250(a) is amended to read:

26 (a) For purposes of sentencing under AS 12.55, all offenses defined in this
 27 title, except murder in the first and second degree, attempted murder in the first
 28 degree, solicitation to commit murder in the first degree, conspiracy to commit murder
 29 in the first degree, [MURDER OF AN UNBORN CHILD,] sexual assault in the first
 30 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled
 31 substance in the first degree, sex trafficking in the first degree under

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

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

12 (2) class B felonies, which characteristically involve conduct resulting
 13 in less severe violence against a person than class A felonies, aggravated offenses
 14 against property interests, or aggravated offenses against public administration or
 15 order;

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

19 (4) class A misdemeanors, which characteristically involve less severe
 20 violence against a person, less serious offenses against property interests, less serious
 21 offenses against public administration or order, or less serious offenses against public
 22 health and decency than felonies;

23 (5) class B misdemeanors, which characteristically involve a minor
 24 risk of physical injury to a person, minor offenses against property interests, minor
 25 offenses against public administration or order, or minor offenses against public health
 26 and decency;

27 (6) violations, which characteristically involve conduct inappropriate
 28 to an orderly society but which do not denote criminality in their commission.

29 * **Sec. 15.** AS 11.81.250(b) is amended to read:

30 (b) The classification of each felony defined in this title, except murder in the
 31 first and second degree, attempted murder in the first degree, solicitation to commit

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

8 * **Sec. 16.** AS 12.55.035(b) is amended to read:

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

12 (1) \$500,000 for murder in the first or second degree, attempted
 13 murder in the first degree, [MURDER OF AN UNBORN CHILD,] sexual assault in
 14 the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor
 15 in the first degree, kidnapping, sex trafficking in the first degree under
 16 AS 11.66.110(a)(2), or misconduct involving a controlled substance in the first degree;

17 (2) \$250,000 for a class A felony;

18 (3) \$100,000 for a class B felony;

19 (4) \$50,000 for a class C felony;

20 (5) \$25,000 for a class A misdemeanor;

21 (6) \$2,000 for a class B misdemeanor;

22 (7) \$500 for a violation.

23 * **Sec. 17.** AS 12.55.125(a) is amended to read:

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

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

1 (2) the defendant has been previously convicted of

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

4 (B) murder in the second degree under AS 11.41.110 or former
5 AS 11.15.030; or

6 (C) homicide under the laws of another jurisdiction when the
7 offense of which the defendant was convicted contains elements similar to first
8 degree murder under AS 11.41.100 or second degree murder under
9 AS 11.41.110;

10 (3) the defendant subjected the murder victim to substantial physical
11 torture;

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

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

16 * **Sec. 18.** AS 12.55.125(b) is amended to read:

17 (b) A defendant convicted of attempted murder in the first degree, solicitation
18 to commit murder in the first degree, conspiracy to commit murder in the first degree,
19 kidnapping, or misconduct involving a controlled substance in the first degree shall be
20 sentenced to a definite term of imprisonment of at least five years but not more than
21 99 years. A defendant convicted of murder in the second degree [OR MURDER OF
22 AN UNBORN CHILD UNDER AS 11.41.150(a)(2) - (4)] shall be sentenced to a
23 definite term of imprisonment of at least 15 years but not more than 99 years. A
24 defendant convicted of murder in the second degree shall be sentenced to a definite
25 term of imprisonment of at least 20 years but not more than 99 years when the
26 defendant is convicted of the murder of a child under 16 years of age and the court
27 finds by clear and convincing evidence that the defendant (1) was a natural parent, a
28 stepparent, an adoptive parent, a legal guardian, or a person occupying a position of
29 authority in relation to the child; or (2) caused the death of the child by committing a
30 crime against a person under AS 11.41.200 - 11.41.530. In this subsection, "legal
31 guardian" and "position of authority" have the meanings given in AS 11.41.470.

1 * **Sec. 19.** AS 13.06.120(a) is amended to read:

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

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

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

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

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

26 (C) [AN UNBORN PERSON,] a minor, an incapacitated
27 person, or a person whose identity or location is unknown or not reasonably
28 ascertainable who is not otherwise represented is bound by an order to the
29 extent the interest is adequately represented by another party having a
30 substantially identical interest in the proceeding;

31 (D) with regard to interests given upon the happening of a

1 certain event to persons who comprise a certain class, orders binding the living
2 persons who would constitute the class, if the event had happened immediately
3 before the commencement of the proceeding, bind all members of the class;

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

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

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

21 (i) the settlor may make the designation in the trust
22 instrument, in a separate document, or by a trust protector authorized in
23 the trust instrument to make the designation;

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

27 (iii) except as otherwise provided in this subparagraph,
28 a person designated under (i) of this subparagraph may not represent
29 and bind another beneficiary if the designated person also is a
30 beneficiary, unless the designated person was named by the settlor, is
31 the beneficiary's spouse, or is a grandparent or descendant of a

1 grandparent of the beneficiary or the beneficiary's spouse; in this sub-
 2 subparagraph, "spouse" means the individual to whom the beneficiary
 3 is married and with whom the beneficiary is living, and a physical
 4 separation primarily for education, business, health, and similar reasons
 5 does not prevent the individual from being considered to be living with
 6 the beneficiary;

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

11 (4) notice is required as follows:

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

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

23 (5) at any point in a proceeding, a court may appoint a guardian ad
 24 litem to represent the interest of [AN UNBORN PERSON,] a minor, an incapacitated
 25 person, or a person whose identity or address is unknown or not reasonably
 26 ascertainable, if the court determines that representation of the interest otherwise
 27 would be inadequate; if not precluded by conflict of interests, a guardian ad litem may
 28 be appointed to represent several persons or interests; the court shall set out its reasons
 29 for appointing a guardian ad litem as a part of the record of the proceeding.

30 * **Sec. 20.** AS 13.16.665 is amended to read:

31 **Sec. 13.16.665. Effect of approval of agreements.** A compromise of any

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

9 * **Sec. 21.** AS 13.26.066(f) is amended to read:

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

12 STATUTORY FORM FOR POWER OF ATTORNEY

13 TO DELEGATE THE POWERS OF A PARENT OR GUARDIAN

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

15 _____
 16 (Full name of minor child)

(Date of birth)
 17 _____

18 (Full name of minor child)

(Date of birth)
 19 _____

20 (Full name of minor child)

(Date of birth)
 21 _____

21 who is/are minor children.

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

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

26 (Home telephone of attorney-in-fact)

(Work telephone of attorney-in-
 27 fact)

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

29 Section 3. I delegate to the attorney-in-fact all of my power and authority
 30 regarding the care and custody of each minor child named above, including the
 31 right to enroll the child in school, the right to inspect and obtain copies of

1 education records and other records concerning the child, the right to attend
 2 school activities and other functions concerning the child, and the right to give
 3 or withhold any consent or waiver with respect to school activities, medical
 4 treatment, dental treatment, and other activity, function, or treatment that may
 5 concern the minor child. This delegation does not include the power or
 6 authority to consent to the marriage or adoption of the minor child [, THE
 7 PERFORMANCE OR INDUCEMENT OF AN ABORTION ON OR FOR
 8 THE MINOR CHILD,] or the termination of parental rights to the minor child.

9 OR

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

12 _____
 13 _____

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

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

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

22 OR

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

28 By: _____

29 (Parent/guardian signature)

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

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(Attorney-in-fact signature)

State of _____
_____ Judicial District

ACKNOWLEDGMENT

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

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

(Signature of notary public)

(Seal, if any)

(Title and rank)

My commission expires: _____

* **Sec. 22.** AS 13.26.316(e) is amended to read:

(e) A guardian may not

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

(2) consent on behalf of the ward to [AN ABORTION,] sterilization, psychosurgery, or removal of bodily organs except when necessary to preserve the life or prevent serious impairment of the physical health of the ward;

(3) consent on behalf of the ward to the withholding of lifesaving medical procedures; however, a guardian is not required to oppose the cessation or withholding of lifesaving medical procedures when those procedures will serve only to prolong the dying process and offer no reasonable expectation of effecting a

1 temporary or permanent cure of or relief from the illness or condition being treated
 2 unless the ward has clearly stated that lifesaving medical procedures not be withheld; a
 3 guardian is not civilly liable for acts or omissions under this paragraph unless the act
 4 or omission constitutes gross negligence or reckless or intentional misconduct;

5 (4) consent on behalf of the ward to the performance of an
 6 experimental medical procedure or to participation in a medical experiment not
 7 intended to preserve the life or prevent serious impairment of the physical health of
 8 the ward;

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

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

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

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

16 * **Sec. 23.** AS 13.52.050 is amended to read:

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

24 * **Sec. 24.** AS 18.05.032(a) is amended to read:

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

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

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

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

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

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

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

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

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

22 **(5)** [(6)] describes the fetal development of a typical [UNBORN] child
 23 at two-week gestational increments from **conception** [FERTILIZATION] to full-term,
 24 including links to photographs of a typical [UNBORN] child at four-week gestational
 25 increments, and relevant information about the possibility of **a** [AN UNBORN] child's
 26 survival at the various gestational ages; the information must be objective,
 27 nonjudgmental information that is reviewed and approved for medical accuracy by
 28 recognized obstetrical and gynecological specialists designated by the State Medical
 29 Board and designed to convey only accurate scientific information about [UNBORN]
 30 children at various gestational ages;

31 **(6)** [(7)] contains objective, unbiased information that is reviewed and

1 approved for medical accuracy by recognized obstetrical and gynecological specialists
2 designated by the State Medical Board;

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

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

15 (8) [(9)] contains objective, unbiased information that is reviewed and
16 approved for medical accuracy by recognized obstetrical and gynecological specialists
17 designated by the State Medical Board and that concerns the harmful effects on a [AN
18 UNBORN] child when a woman consumes alcohol, tobacco, or illegal drugs during
19 pregnancy;

20 (9) [(10)] contains objective, unbiased, and comprehensive information
21 that is reviewed and approved for medical accuracy by recognized obstetrical and
22 gynecological specialists designated by the State Medical Board and that describes the
23 different types of available contraceptive choices, including abstinence and natural
24 family planning, that describes the methods of contraception that are only intended to
25 prevent sperm-egg fusion [FERTILIZATION AND THE METHODS THAT ARE
26 INTENDED TO PREVENT IMPLANTATION OF A FERTILIZED EGG], and that
27 describes the reliability, psychological effects, medical risks, and complications
28 commonly associated with each method;

29 (10) [(11)] contains a disclaimer on the website home page concerning
30 the graphic or sensitive nature of the information contained on the website;

31 (11) [(12)] contains a signature form by which a person may indicate

1 the person has reviewed the information.

2 * **Sec. 25.** AS 18.05.032(c)(3) is amended to read:

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

5 * **Sec. 26.** AS 21.07.250(3) is amended to read:

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

13 * **Sec. 27.** AS 25.20.025(a) is amended to read:

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

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

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

26 (3) [A MINOR] who is the parent of a child may give consent to
27 medical and dental services for the minor or the child;

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

30 (5) THE PARENT OR GUARDIAN OF THE MINOR IS RELIEVED
31 OF ALL FINANCIAL OBLIGATION TO THE PROVIDER OF THE SERVICE

1 UNDER THIS SECTION].

2 * **Sec. 28.** AS 25.20.025 is amended by adding a new subsection to read:

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

5 * **Sec. 29.** AS 25.23.240(3) is amended to read:

6 (3) "child" means a son or daughter, whether by **conception** [BIRTH]
7 or by adoption;

8 * **Sec. 30.** AS 28.35.030(o) is amended to read:

9 (o) Upon request, the department shall review a driver's license revocation
10 imposed under (n)(3) of this section and, unless the revocation was ordered under (u)
11 or (v) of this section or in a case in which the person was also convicted of a crime
12 under AS 11.41.100 - 11.41.210 [, 11.41.280, 11.41.282,] or a similar law in another
13 jurisdiction,

14 (1) may restore the driver's license if

15 (A) the license has been revoked for a period of at least 10
16 years;

17 (B) the person has not been convicted of a driving-related
18 criminal offense or a felony in the 10 years preceding the request for
19 restoration of the license; and

20 (C) the person provides proof of financial responsibility;

21 (2) shall restore the driver's license if

22 (A) the person has been granted limited license privileges
23 under AS 28.15.201(g) and has successfully driven under that limited license
24 for three years without having the limited license privileges revoked;

25 (B) the person has successfully completed a court-ordered
26 treatment program under AS 28.35.028 or a rehabilitative treatment program
27 under AS 28.15.201(h);

28 (C) the person has not been convicted of a violation of
29 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another
30 jurisdiction since the license was revoked;

31 (D) the person is otherwise eligible to have the person's driving

1 privileges restored as provided in AS 28.15.211; in an application under this
 2 subsection, a person whose license was revoked for a violation of
 3 AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as
 4 required under AS 28.35.030(h) or 28.35.032(l); and

5 (E) the person provides proof of financial responsibility.

6 * **Sec. 31.** AS 28.35.032(q) is amended to read:

7 (q) Upon request, the department shall review a driver's license revocation
 8 imposed under (p)(3) of this section and, unless the revocation was ordered in a case
 9 in which the person was also convicted of a crime under AS 11.41.100 - 11.41.210 [,
 10 11.41.280, 11.41.282,] or a similar law in another jurisdiction or the revocation was
 11 ordered under AS 28.35.030(u) or (v), may restore the driver's license if

12 (1) the license has been revoked for a period of at least 10 years;

13 (2) the person has not been convicted of a driving-related criminal
 14 offense or a felony in the 10 years preceding the request for restoration of the license;
 15 and

16 (3) the person provides proof of financial responsibility.

17 * **Sec. 32.** AS 44.21.410(a) is amended to read:

18 (a) The office of public advocacy shall

19 (1) perform the duties of the public guardian under AS 13.26.700 -
 20 13.26.750;

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

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

1 commitment proceeding concerning the minor under AS 47.30.775;

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

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

16 (6) provide [PROVIDE] guardian ad litem services in proceedings
17 under AS 12.45.046 or AS 18.15.355 - 18.15.395;

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

22 (8) provide guardians ad litem in proceedings under AS 47.30.839;

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

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

30 * **Sec. 33.** AS 44.23.020 is amended by adding new subsections to read:

31 (l) The attorney general may defend a citizen of the state who is prosecuted by

1 the federal government for violation of federal law or court order requiring the
2 procurement or facilitation of abortion in the state.

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

6 (n) The attorney general may not enter an appearance in a federal civil action
7 related to the Life at Conception Act or the Preborn Child Equality Act of 2024.

8 (o) Subsections (l) - (n) of this section are not subject to judicial review.

9 * **Sec. 34.** AS 44.23 is amended by adding a new section to read:

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

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

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

21 (b) This section is not subject to judicial review.

22 * **Sec. 35.** AS 44.99.040(a) is amended to read:

23 (a) A state or municipal agency may not use or authorize the use of an asset to
24 implement or aid in the implementation of a requirement of an order of the President
25 of the United States, a federal regulation, [OR] a law enacted by the United States
26 Congress, **or a federal court order** that is applied to

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

29 (2) deny a person a right to due process, or a protection of due process,
30 that would otherwise be available to the person under the Constitution of the State of
31 Alaska or the Constitution of the United States; **or**

1 **(3) infringe on a person's right to life under the Fifth and**
2 **Fourteenth Amendments to the Constitution of the United States.**

3 * **Sec. 36.** AS 08.64.105, 08.64.326(a)(10), AS 09.55.585(b)(1), 09.55.585(b)(3),
4 09.55.585(d); AS 11.41.150, 11.41.160, 11.41.170, 11.41.180, 11.41.280, 11.41.282,
5 11.41.289; AS 11.81.900(b)(66); AS 13.26.066(a)(2); AS 18.05.032(c)(1), 18.05.032(c)(4),
6 18.05.035; AS 18.16.010, 18.16.020, 18.16.030, 18.16.040, 18.16.050, 18.16.060, 18.16.090;
7 and AS 47.07.068 are repealed.

8 * **Sec. 37.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 APPLICABILITY. The repeals of AS 11.41.150, 11.41.160, 11.41.170, 11.41.180,
11 11.41.280, 11.41.282, 11.41.289, and AS 11.81.900(b)(66) by sec. 36 of this Act apply to
12 offenses committed on or after the effective date of sec. 36 of this Act.

13 * **Sec. 38.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 NONSEVERABILITY. Notwithstanding AS 01.10.030, the provisions of this Act are
16 not severable.

17 * **Sec. 39.** This Act takes effect immediately under AS 01.10.070(c).