

**HOUSE BILL NO. 363**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Introduced: 3/12/12

Referred: Health and Social Services, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act prohibiting the use of public funds for abortion."**

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

3 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
4 to read:

5 SHORT TITLE. This Act may be known as the Abortion Subsidy Prohibition Act.

6 \* **Sec. 2.** AS 18.16 is amended by adding a new section to read:

7 **Article 2. Prohibition on Using Public Funds or Facilities for Abortions.**

8 **Sec. 18.16.200. Comprehensive prohibition on the use of public funds and**  
9 **public facilities for abortion.** (a) Notwithstanding another provision of law, public  
10 funds made available to an institution, board, commission, department, agency,  
11 official, or employee of the state or a local political subdivision of the state, whether  
12 the funds are made available by the United States government, the state, or a political  
13 subdivision of the state, or from another public entity, including money paid by a  
14 university student as part of the tuition or fees paid to the University of Alaska, may  
15 not be used to assist in or provide facilities for an abortion or for training to perform

1 an abortion.

2 (b) A person employed by the state or an agency or political subdivision of the  
3 state may not, within the scope of the person's state employment, perform or assist in  
4 an abortion.

5 (c) A fund or committee authorized by law for the special protection of  
6 women or children may not use or distribute public funds for the payment for  
7 abortions, abortion referrals, abortion counseling, or another abortion-related service.

8 (d) An organization that receives funds authorized or appropriated by the state  
9 may not use those funds to perform or promote abortions, provide counseling in favor  
10 of abortion, or to make referrals for abortions.

11 (e) A public institution, public facility, public equipment, or other physical  
12 asset owned, leased, or controlled by the state or any agency or political subdivision of  
13 the state may not be used for the purpose of performing or assisting an abortion.

14 (f) The state may not lease, sell, or allow to be sublet to a physician or health  
15 facility a public institution, facility, or other property for use in the provision,  
16 inducement, or performance of abortions.

17 (g) The limitations in (a) - (f) of this section do not apply to an abortion  
18 performed when

19 (1) the life of the mother is endangered by a physical disorder, physical  
20 illness, or physical injury;

21 (2) the life of the mother is endangered by a physical condition caused  
22 by or arising from the pregnancy itself; or

23 (3) the pregnancy is the result of an act of rape or incest.

24 (h) Nothing in this section shall be construed as creating or recognizing a right  
25 to abortion or a right to federal or state funds for family planning services.

26 (i) In this section, "public facility" means a capital improvement owned,  
27 operated, or occupied by the state, a public corporation of the state, the University of  
28 Alaska, a political subdivision of the state, or a regional educational attendance area.

29 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
30 read:

31 **SEVERABILITY.** Under AS 01.10.030, if any provision of this Act, or the application

1 of it to any person or circumstance, is held invalid, the remainder of this Act and the  
2 application to other persons or circumstances are not affected.

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

5 REVISOR'S INSTRUCTION. The revisor of statutes is requested to renumber  
6 AS 18.16.090 as AS 18.16.500.