

HOUSE BILL NO. 206

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KURKA

Introduced: 5/10/21
Referred:

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 2021.

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 15. Implementation of Right to Privacy.**

13 **Sec. 01.15.010. 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 11.41.140 is amended to read:

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

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

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

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

17 * **Sec. 12.** AS 11.41.220(a) is amended to read:

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

19 (1) recklessly

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

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

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

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

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

31 (2) with intent to place another person in fear of death or serious

1 physical injury to the person or the person's family member, makes repeated threats to
2 cause death or serious physical injury to another person;

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

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

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

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

12 (B) AS 11.41.200 - 11.41.220 or [,] 11.41.230(a)(1) or (2) [,]
13 11.41.280, OR 11.41.282];

14 (C) AS 11.41.260 or 11.41.270;

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

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

18 * **Sec. 13.** AS 11.81.250(a) is amended to read:

19 (a) For purposes of sentencing under AS 12.55, all offenses defined in this
20 title, except murder in the first and second degree, attempted murder in the first
21 degree, solicitation to commit murder in the first degree, conspiracy to commit murder
22 in the first degree, [MURDER OF AN UNBORN CHILD,] sexual assault in the first
23 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled
24 substance in the first degree, sex trafficking in the first degree under
25 AS 11.66.110(a)(2), and kidnapping, are classified on the basis of their seriousness,
26 according to the type of injury characteristically caused or risked by commission of
27 the offense and the culpability of the offender. Except for murder in the first and
28 second degree, attempted murder in the first degree, solicitation to commit murder in
29 the first degree, conspiracy to commit murder in the first degree, [MURDER OF AN
30 UNBORN CHILD,] sexual assault in the first degree, sexual abuse of a minor in the
31 first degree, misconduct involving a controlled substance in the first degree, sex

1 trafficking in the first degree under AS 11.66.110(a)(2), and kidnapping, the offenses
2 in this title are classified into the following categories:

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

5 (2) class B felonies, which characteristically involve conduct resulting
6 in less severe violence against a person than class A felonies, aggravated offenses
7 against property interests, or aggravated offenses against public administration or
8 order;

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

12 (4) class A misdemeanors, which characteristically involve less severe
13 violence against a person, less serious offenses against property interests, less serious
14 offenses against public administration or order, or less serious offenses against public
15 health and decency than felonies;

16 (5) class B misdemeanors, which characteristically involve a minor
17 risk of physical injury to a person, minor offenses against property interests, minor
18 offenses against public administration or order, or minor offenses against public health
19 and decency;

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

22 * **Sec. 14.** AS 11.81.250(b) is amended to read:

23 (b) The classification of each felony defined in this title, except murder in the
24 first and second degree, attempted murder in the first degree, solicitation to commit
25 murder in the first degree, conspiracy to commit murder in the first degree,
26 [MURDER OF AN UNBORN CHILD,] sexual assault in the first degree, sexual
27 abuse of a minor in the first degree, misconduct involving a controlled substance in the
28 first degree, sex trafficking in the first degree under AS 11.66.110(a)(2), and
29 kidnapping, is designated in the section defining it. A felony under the law of this state
30 defined outside this title for which no penalty is specifically provided is a class C
31 felony.

1 * **Sec. 15.** AS 12.55.035(b) is amended to read:

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

5 (1) \$500,000 for murder in the first or second degree, attempted
6 murder in the first degree, [MURDER OF AN UNBORN CHILD,] sexual assault in
7 the first degree, sexual abuse of a minor in the first degree, kidnapping, sex trafficking
8 in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled
9 substance in the first degree;

10 (2) \$250,000 for a class A felony;

11 (3) \$100,000 for a class B felony;

12 (4) \$50,000 for a class C felony;

13 (5) \$25,000 for a class A misdemeanor;

14 (6) \$2,000 for a class B misdemeanor;

15 (7) \$500 for a violation.

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

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

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

25 (2) the defendant has been previously convicted of

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

28 (B) murder in the second degree under AS 11.41.110 or former
29 AS 11.15.030; or

30 (C) homicide under the laws of another jurisdiction when the
31 offense of which the defendant was convicted contains elements similar to first

1 degree murder under AS 11.41.100 or second degree murder under
2 AS 11.41.110;

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

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

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

9 * **Sec. 17.** AS 12.55.125(b) is amended to read:

10 (b) A defendant convicted of attempted murder in the first degree, solicitation
11 to commit murder in the first degree, conspiracy to commit murder in the first degree,
12 kidnapping, or misconduct involving a controlled substance in the first degree shall be
13 sentenced to a definite term of imprisonment of at least five years but not more than
14 99 years. A defendant convicted of murder in the second degree [OR MURDER OF
15 AN UNBORN CHILD UNDER AS 11.41.150(a)(2) - (4)] shall be sentenced to a
16 definite term of imprisonment of at least 15 years but not more than 99 years. A
17 defendant convicted of murder in the second degree shall be sentenced to a definite
18 term of imprisonment of at least 20 years but not more than 99 years when the
19 defendant is convicted of the murder of a child under 16 years of age and the court
20 finds by clear and convincing evidence that the defendant (1) was a natural parent, a
21 stepparent, an adoptive parent, a legal guardian, or a person occupying a position of
22 authority in relation to the child; or (2) caused the death of the child by committing a
23 crime against a person under AS 11.41.200 - 11.41.530. In this subsection, "legal
24 guardian" and "position of authority" have the meanings given in AS 11.41.470.

25 * **Sec. 18.** AS 13.06.120(a) is amended to read:

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

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

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

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

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

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

24 (D) with regard to interests given upon the happening of a
25 certain event to persons who comprise a certain class, orders binding the living
26 persons who would constitute the class, if the event had happened immediately
27 before the commencement of the proceeding, bind all members of the class;

28 (E) with regard to an interest given to a living person when the
29 same interest or a share of the interest is to pass to the surviving spouse or to
30 persons who are or might be the distributees, devisees, heirs, or issue of the
31 living person upon the happening of a future event, orders binding the living

1 person bind the surviving spouse, distributees, devisees, heirs, or issue of the
2 living person;

3 (F) with regard to interests given to a person or a class of
4 persons, or to both, upon the happening of a future event, if the same interest
5 or a share of the interest is to pass to another person or class of persons, or to
6 both, upon the happening of an additional future event, orders binding the
7 living person or class of persons who would take the interest upon the
8 happening of the first event bind the persons and classes of persons who might
9 take on the happening of the additional future event;

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

14 (i) the settlor may make the designation in the trust
15 instrument, in a separate document, or by a trust protector authorized in
16 the trust instrument to make the designation;

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

20 (iii) except as otherwise provided in this subparagraph,
21 a person designated under (i) of this subparagraph may not represent
22 and bind another beneficiary if the designated person also is a
23 beneficiary, unless the designated person was named by the settlor, is
24 the beneficiary's spouse, or is a grandparent or descendant of a
25 grandparent of the beneficiary or the beneficiary's spouse; in this sub-
26 subparagraph, "spouse" means the individual to whom the beneficiary
27 is married and with whom the beneficiary is living, and a physical
28 separation primarily for education, business, health, and similar reasons
29 does not prevent the individual from being considered to be living with
30 the beneficiary;

31 (3) a person representing another person under (2)(A) - (F) of this

1 section and a person designated under (2)(G)(i) of this section are not liable to the
 2 beneficiary whose interests are represented, or to a person claiming through that
 3 beneficiary, for an action or omission to act made in good faith;

4 (4) notice is required as follows:

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

9 (B) notice is given to [UNBORN PERSONS,] a minor, an
 10 incapacitated person, or a person whose identity or location is unknown or not
 11 reasonably ascertainable, and persons who are not represented under (2)(A),
 12 (B), or (D) - (G) of this section, by giving notice to all known persons whose
 13 interests in the proceedings are substantially identical to those of [THE
 14 UNBORN PERSONS,] the minor, the incapacitated person, or the person
 15 whose identity or location is unknown or not reasonably ascertainable;

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

23 * **Sec. 19.** AS 13.16.665 is amended to read:

24 **Sec. 13.16.665. Effect of approval of agreements.** A compromise of any
 25 controversy as to admission to probate of any instrument offered for formal probate as
 26 the will of a decedent, the construction, validity, or effect of any governing instrument,
 27 the rights or interests in the estate of the decedent, of any successor, or the
 28 administration of the estate, if approved in a formal proceeding in the court for that
 29 purpose, is binding on all the parties to the compromise including those [UNBORN,]
 30 unascertained or who could not be located. An approved compromise is binding even
 31 though it may affect a trust or an inalienable interest. A compromise does not impair

1 the rights of creditors or of taxing authorities who are not parties to it.

2 * **Sec. 20.** AS 13.26.066(f) is amended to read:

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

5 STATUTORY FORM FOR POWER OF ATTORNEY

6 TO DELEGATE THE POWERS OF A PARENT OR GUARDIAN

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

8 _____
9 (Full name of minor child) (Date of birth)

10 _____
11 (Full name of minor child) (Date of birth)

12 _____
13 (Full name of minor child) (Date of birth)

14 who is/are minor children.

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

17 (Street address, city, state, and zip code of attorney-in-fact)

18 _____
19 (Home telephone of attorney-in-fact) (Work telephone of attorney-in-
20 fact)

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

22 Section 3. I delegate to the attorney-in-fact all of my power and authority
23 regarding the care and custody of each minor child named above, including the
24 right to enroll the child in school, the right to inspect and obtain copies of
25 education records and other records concerning the child, the right to attend
26 school activities and other functions concerning the child, and the right to give
27 or withhold any consent or waiver with respect to school activities, medical
28 treatment, dental treatment, and other activity, function, or treatment that may
29 concern the minor child. This delegation does not include the power or
30 authority to consent to the marriage or adoption of the minor child [, THE
31 PERFORMANCE OR INDUCEMENT OF AN ABORTION ON OR FOR

1 THE MINOR CHILD,] or the termination of parental rights to the minor child.

2 OR

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

5 _____
6 _____

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

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

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

15 OR

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

21 By: _____

22 (Parent/guardian signature)

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

25 _____

26 (Attorney-in-fact signature)

27 State of _____

28 _____ Judicial District

29 ACKNOWLEDGMENT

30 Before me, the undersigned, a Notary Public, in and for the Judicial District
31 and State identified above, on this ____ day of _____, 20 _____,

1 personally appeared _____ (name of parent/guardian)
 2 and _____ (name of attorney-in-fact), to me known to
 3 be the persons who executed this power of attorney, and each acknowledged to
 4 me that each executed the same as the person's free and voluntary act and deed
 5 for the uses and purposes set out in this power of attorney.

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

7 _____
 8 (Signature of notary public)

9 (Seal, if any)

10 _____
 11 (Title and rank)

12 My commission expires: _____

13 * **Sec. 21.** AS 13.26.316(e) is amended to read:

14 (e) A guardian may not

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

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

21 (3) consent on behalf of the ward to the withholding of lifesaving
 22 medical procedures; however, a guardian is not required to oppose the cessation or
 23 withholding of lifesaving medical procedures when those procedures will serve only to
 24 prolong the dying process and offer no reasonable expectation of effecting a
 25 temporary or permanent cure of or relief from the illness or condition being treated
 26 unless the ward has clearly stated that lifesaving medical procedures not be withheld; a
 27 guardian is not civilly liable for acts or omissions under this paragraph unless the act
 28 or omission constitutes gross negligence or reckless or intentional misconduct;

29 (4) consent on behalf of the ward to the performance of an
 30 experimental medical procedure or to participation in a medical experiment not
 31 intended to preserve the life or prevent serious impairment of the physical health of

1 the ward;

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

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

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

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

9 * **Sec. 22.** AS 13.52.050 is amended to read:

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

17 * **Sec. 23.** AS 18.05.032(a) is amended to read:

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

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

25 (A) agencies, services, clinics, and facilities designed to assist a
26 woman through pregnancy, including adoption agencies, and counseling
27 services;

28 (B) agencies, services, clinics, and facilities that provide
29 [ABORTION OPTIONS AND COUNSELING AND] post-abortion
30 counseling and services; and

31 (C) agencies, services, clinics, and facilities designed to assist

1 with or provide contraceptive options and counseling for appropriate family
2 planning;

3 (2) includes a comprehensive regional directory of the agencies,
4 services, clinics, and facilities that request to be identified by the department under (1)
5 of this subsection, a description of the services they offer, and the manner in which the
6 agencies, services, clinics, and facilities may be contacted, including telephone
7 numbers;

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

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

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

15 (5) [(6)] describes the fetal development of a typical [UNBORN] child
16 at two-week gestational increments from conception [FERTILIZATION] to full-term,
17 including links to photographs of a typical [UNBORN] child at four-week gestational
18 increments, and relevant information about the possibility of a [AN UNBORN] child's
19 survival at the various gestational ages; the information must be objective,
20 nonjudgmental information that is reviewed and approved for medical accuracy by
21 recognized obstetrical and gynecological specialists designated by the State Medical
22 Board and designed to convey only accurate scientific information about [UNBORN]
23 children at various gestational ages;

24 (6) [(7)] contains objective, unbiased information that is reviewed and
25 approved for medical accuracy by recognized obstetrical and gynecological specialists
26 designated by the State Medical Board;

27 (7) [AND THAT DESCRIBES THE METHODS OF ABORTION
28 PROCEDURES AND TREATMENTS COMMONLY EMPLOYED AND THE
29 MEDICAL RISKS AND POSSIBLE COMPLICATIONS COMMONLY
30 ASSOCIATED WITH EACH PROCEDURE AND TREATMENT, AS WELL AS
31 THE POSSIBLE PHYSICAL AND PSYCHOLOGICAL EFFECTS THAT HAVE

1 BEEN ASSOCIATED WITH HAVING AN ABORTION;

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

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

13 (9) [(10)] contains objective, unbiased, and comprehensive
14 information that is reviewed and approved for medical accuracy by recognized
15 obstetrical and gynecological specialists designated by the State Medical Board and
16 that describes the different types of available contraceptive choices, including
17 abstinence and natural family planning, that describes the methods of contraception
18 that are only intended to prevent sperm-egg fusion [FERTILIZATION AND THE
19 METHODS THAT ARE INTENDED TO PREVENT IMPLANTATION OF A
20 FERTILIZED EGG], and that describes the reliability, psychological effects, medical
21 risks, and complications commonly associated with each method;

22 (10) [(11)] contains a disclaimer on the website home page concerning
23 the graphic or sensitive nature of the information contained on the website;

24 (11) [(12)] contains a signature form by which a person may indicate
25 the person has reviewed the information.

26 * **Sec. 24.** AS 18.05.032(c)(3) is amended to read:

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

29 * **Sec. 25.** AS 21.07.250(3) is amended to read:

30 (3) "emergency medical condition" means a medical condition
31 manifesting itself by acute symptoms of sufficient severity, including severe pain, that

1 a prudent person who possesses an average knowledge of health and medicine could
 2 reasonably expect that the absence of immediate medical attention would result in
 3 serious impairment of bodily functions, serious dysfunction of a bodily organ or part,
 4 or would place the person's health or, with respect to a pregnant woman, the health of
 5 the woman or her [UNBORN] child, in serious jeopardy.

6 * **Sec. 26.** AS 25.20.025(a) is amended to read:

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

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

12 (2) [A MINOR] may give consent for medical and dental services if
 13 the parent or legal guardian of the minor cannot be contacted or, if contacted, is
 14 unwilling either to grant or withhold consent; however, where the parent or legal
 15 guardian cannot be contacted or, if contacted, is unwilling either to grant or to
 16 withhold consent, the provider of medical or dental services shall counsel the minor
 17 keeping in mind not only the valid interests of the minor but also the valid interests of
 18 the parent or guardian and the family unit as best the provider presumes them;

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

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

23 (5) THE PARENT OR GUARDIAN OF THE MINOR IS RELIEVED
 24 OF ALL FINANCIAL OBLIGATION TO THE PROVIDER OF THE SERVICE
 25 UNDER THIS SECTION].

26 * **Sec. 27.** AS 25.20.025 is amended by adding a new subsection to read:

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

29 * **Sec. 28.** AS 25.23.240(3) is amended to read:

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

1 * **Sec. 29.** AS 44.21.410(a) is amended to read:

2 (a) The office of public advocacy shall

3 (1) perform the duties of the public guardian under AS 13.26.700 -
4 13.26.750;

5 (2) provide visitors and experts in guardianship proceedings under
6 AS 13.26.291;

7 (3) provide guardian ad litem services to children in child protection
8 actions under AS 47.17.030(e) and to wards and respondents in guardianship
9 proceedings who will suffer financial hardship or become dependent on [UPON] a
10 government agency or a private person or agency if the services are not provided at
11 state expense under AS 13.26.041;

12 (4) provide legal representation [IN CASES INVOLVING JUDICIAL
13 BYPASS PROCEDURES FOR MINORS SEEKING ABORTIONS UNDER
14 AS 18.16.030,] in guardianship proceedings to respondents who are financially unable
15 to employ attorneys under AS 13.26.226(b), to indigent parties in cases involving
16 child custody in which the opposing party is represented by counsel provided by a
17 public agency, and to indigent parents or guardians of a minor respondent in a
18 commitment proceeding concerning the minor under AS 47.30.775;

19 (5) provide legal representation and guardian ad litem services under
20 AS 25.24.310; in cases arising under AS 47.15 (Interstate Compact for Juveniles); in
21 cases involving petitions to adopt a minor under AS 25.23.125(b) or petitions for the
22 termination of parental rights under AS 25.23.180(c)(2); in cases involving petitions to
23 remove the disabilities of a minor under AS 09.55.590; in children's proceedings under
24 AS 47.10.050(a) or under AS 47.12.090; in cases involving appointments under
25 AS 18.66.100(a) in petitions for protective orders on behalf of a minor; and in cases
26 involving indigent persons who are entitled to representation under AS 18.85.100 and
27 who cannot be represented by the public defender agency because of a conflict of
28 interests;

29 (6) develop and coordinate a program to recruit, select, train, assign,
30 and supervise volunteer guardians ad litem from local communities to aid in delivering
31 services in cases in which the office of public advocacy is appointed as guardian ad

1 litem;

2 (7) Provide guardian ad litem services in proceedings under
3 AS 12.45.046 or AS 18.15.355 - 18.15.395;

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

8 (9) provide visitors and guardians ad litem in proceedings under
9 AS 47.30.839;

10 (10) provide legal representation to an indigent parent of a child with a
11 disability; in this paragraph, "child with a disability" has the meaning given in
12 AS 14.30.350;

13 (11) investigate complaints and bring civil actions under
14 AS 44.21.415(a) involving fraud committed against residents of the state who are 60
15 years of age or older; in this paragraph, "fraud" has the meaning given in
16 AS 44.21.415.

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

18 (l) The attorney general may defend a citizen of the state who is prosecuted by
19 the federal government for violation of federal law or court order requiring the
20 procurement or facilitation of abortion in the state.

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

24 (n) The attorney general may not enter an appearance in a federal civil action
25 related to the Life at Conception Act or the Preborn Child Equality Act of 2021.

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

27 * **Sec. 31.** AS 44.23 is amended by adding a new section to read:

28 **Sec. 44.23.075. State policy concerning facilitation of abortion.** (a) A
29 federal statute, regulation, rule, or order adopted, enacted, or otherwise effective on or
30 after the effective date of this Act is unenforceable in the state by an official, agent, or
31 employee of the state, a municipality, or the federal government if the federal statute,

1 regulation, rule, or order violates the Fifth or Fourteenth Amendments to the
 2 Constitution of the United States or art. I, sec. 1 or art. I, sec. 7, Constitution of the
 3 State of Alaska, by

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

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

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

9 * **Sec. 32.** AS 44.99.040(a) is amended to read:

10 (a) A state or municipal agency may not use or authorize the use of an asset to
 11 implement or aid in the implementation of a requirement of

12 (1) an order of the President of the United States, a federal regulation,
 13 [OR] a law enacted by the United States Congress, or a federal court order that is
 14 applied to

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

17 (B) deny a person a right to due process, or a protection of due
 18 process, that would otherwise be available to the person under the Constitution
 19 of the State of Alaska or the Constitution of the United States;

20 (C) infringe on a person's right to life under the Fifth and
 21 Fourteenth Amendments to the Constitution of the United States [; OR]

22 (2) [REPEALED].

23 * **Sec. 33.** AS 08.64.105, 08.64.326(a)(10), AS 09.55.585(b)(1), 09.55.585(b)(3),
 24 09.55.585(d); AS 11.41.150, 11.41.160, 11.41.170, 11.41.180, 11.41.280, 11.41.282,
 25 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),
 26 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;
 27 and AS 47.07.068 are repealed.

28 * **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 APPLICABILITY. The repeals of AS 11.41.150, 11.41.160, 11.41.170, 11.41.180,
 31 11.41.280, 11.41.282, 11.41.289, and AS 11.81.900(b)(66) by sec. 33 of this Act apply to

1 offenses committed on or after the effective date of sec. 33 of this Act.

2 * **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 **NONSEVERABILITY.** Notwithstanding AS 01.10.030, the provisions of this Act are
5 not severable.

6 * **Sec. 36.** This Act takes effect immediately under AS 01.10.070(c).