

Sponsor Statement

SB 199

“An Act relating to medical services under the state Medicaid program.”

A majority of Alaskans agree it is inappropriate to use state funds to provide elective abortions. [SB 199](#) represents continued effort to implement the will of the people. SB 199 defines the parameters to be used in determining when it is appropriate for Health and Social Services to pay for abortions under the State Medicaid program. SB 199 realigns Alaska’s abortion funding policies with federal standards (Hyde Amendment) and allows payment only for abortions resulting from rape and incest and to protect the life of the mother. The bill defines the term "medically necessary abortion" broadly enough to cover those situations where an abortion is medically necessary yet narrowly enough to prevent fraud or abuse. The bill aims to ensure that funds appropriated to provide health care to indigent Alaskans are being used for that purpose.

SB 199 also serves to implement the recent Alaska Supreme Court opinion *State of Alaska v. Planned Parenthood of Alaska*, 28 P.3d 904 (Alaska 2001), by authorizing the Department of Health and Human Services, under the Medicaid program, to pay for medically necessary abortions. The Supreme Court has made clear that *Roe v. Wade* did not declare an unqualified constitutional right to abortion that would include funding for abortions that are not medically necessary. Further, the court stated that the right recognized in *Roe*; "implies no limitation on the authority of the State to make a value judgment favoring childbirth over abortion, and to implement that judgment by the allocation of public funds" (*Maier v. Roe* 432 US 453, 473 (1977)).