

Health

# ACLU, Planned Parenthood say Alaska restrictions on second-trimester abortions are unconstitutional

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*The Planned Parenthood logo is pictured outside a clinic in Boston, June 27, 2014. (Dominick Reuter / Reuters)*

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Planned Parenthood and the American Civil Liberties Union filed a lawsuit against the state of Alaska Wednesday, accusing it of illegally blocking abortions after the first trimester of pregnancy.

The lawsuit, filed in Anchorage Superior Court, says the Alaska Medical Board has unconstitutionally interfered with a woman's right to abortion by requiring a doctor to consult with a second physician before performing a second-trimester abortion and that a clinic must have an operating room ready for major surgery and be ready to perform a blood transfusion. The medical board licenses physicians and its regulations have the weight of state law.

Tara Rich, the legal and policy director of the ACLU of Alaska, argued in a news conference Wednesday that there's no medical justification for the requirements. Planned Parenthood says that complying with the regulations is burdensome and prohibitively expensive for its outpatient clinics — which perform the vast majority of abortions in Alaska.

As a result, Alaska women must leave the state to terminate a pregnancy after the first trimester.

By their own count, Planned Parenthood performed about 1,300 of the 1,334 abortions reported by the state in 2015. The organization has clinics in Anchorage, Fairbanks, Soldotna and Juneau.

The lawsuit asks a judge to immediately stop enforcement of the requirements by state agencies, which would pave the way for Planned Parenthood to offer second-trimester abortions at their clinics.

A call to Alaska Right to Life was not immediately returned on Wednesday. It and others opposed to abortion rights have said that fetuses become viable outside the womb during the second trimester, which extends until week 27 of pregnancy. Alaska was one of the first states in the nation to make abortion legal — it did so in 1970, three years before the landmark U.S. Supreme Court decision *Roe vs. Wade*. The state also has a long history of paying for poor women's abortions through Medicaid, back to at least 1988, according to Susan Morgan of the Department of Health and Social Services. Last fiscal year, Alaska Medicaid paid for 350 abortions, according to DHSS.

Because Medicaid provides coverage for transportation when medical services are not available in Alaska, it's possible that the state paid for out-of-state second-trimester abortions. Morgan said she couldn't immediately answer whether the state paid for out-of-state second-trimester abortions, how many, and at what cost, because "there are no readily available standardized reports that provide this information."

But despite the fact that there's no law on the books that prohibits second- or third-trimester abortions from being performed in Alaska, in practice it's nearly impossible to get one.

About 100 Alaska women travel outside of the state each year to seek an abortion, said Jessica Cler, the public affairs manager of Planned Parenthood in Alaska.

Many of them end up at a Seattle Planned Parenthood clinic that performs second-trimester abortions.



She said she sees at least a few women from Alaska every week. Many of them have traveled from remote parts of the state, taking two or three flights to get to Seattle.

It is usually a three-day trip, she said.

The reasons vary, said Dr. Sara Pentlicky, the director of second-trimester abortion services for Planned Parenthood of the Northwest and Hawaii. Some didn't realize they were pregnant. Others would have been eligible for a first-trimester abortion but missed the deadline because of remoteness of services or travel time.

"When you add on that travel time, a lot of them end up being just over the (first trimester) mark," Pentlicky said.

Some women find out about grave fetal abnormalities through procedures like amniocentesis that don't happen until the second trimester.

In 2015, the state reported that 1,334 abortions were performed in Alaska — a decrease of 12 percent from the previous year, [according to state data](#).

Nearly all of those abortions were performed before 13 weeks of pregnancy. About 65 percent of women had the abortions between weeks 5-8 of pregnancy. Six of the reported abortions in Alaska were because of detection of a congenital fetal anomaly.

The case filed Wednesday is part of a coordinated **three-state ACLU legal challenge** to restrictions on abortions in Alaska, Missouri and North Carolina, said Joshua Decker, the head of the ACLU of Alaska.

The North Carolina suit challenges the state's ban on abortions after 20 weeks. The Missouri lawsuit challenges a law that requires clinics to be "outfitted as mini-hospitals," according to the organization.

**Abortion Rights**

**About this Author**

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