

Introduced by: Arness  
Date: December 1, 1981  
Hearing: January 5, 1982  
Vote:  
Action: DEFEATED PRIOR TO HEARING

KENAI PENINSULA BOROUGH

ORDINANCE 81-124

REPEALING ORDINANCE 81-71 AND ORDINANCE 81-97 (SUBSTITUTE) WHICH AMENDED TITLE 10 OF THE BOROUGH CODE OF ORDINANCES AND PROVIDED FOR AN INFORMED CONSENT FROM ALL PERSONS UPON WHOM ABORTIONS ARE TO BE PERFORMED AT THE BOROUGH SERVICE AREA GENERAL HOSPITALS, OR OTHER BOROUGH PUBLIC FACILITIES.

WHEREAS, Ordinance 81-71 and Ordinance 81-97 (Substitute) require an informed consent from all persons upon whom abortions are to be performed at the Borough service area general hospitals, or other Borough public facilities; and

WHEREAS, Ordinance 81-71 and Ordinance 81-97 (Substitute) have been challenged in the Superior Court of Alaska on the grounds of deprivation of constitutional rights, preemption by state law, lack of Borough jurisdiction, and deprivation of civil rights; and

WHEREAS, the Borough has not undertaken municipal police power to enforce the informed consent and the ordinances do not prescribe any specific penalty;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Ordinance 81-71 enacted by the Assembly on July 21, 1981, and Ordinance 81-97 (Substitute) enacted by the Assembly on September 15, 1981, are repealed.

Section 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1981.

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John C. Davis, Assembly President

ATTEST:

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Borough Clerk