



# Nevada | RANKING: 42

Nevada enacted a *Freedom of Choice Act* in 1990, providing for a legal right to abortion in the state even if *Roe v. Wade* is eventually overturned. As a result, Nevada has failed to enact commonsense laws designed to protect women and unborn children from the harms inherent in abortion.

## » ABORTION

- Nevada maintains a *Freedom of Choice Act*. It mandates a legal right to abortion even if *Roe v. Wade* is eventually overturned, specifically providing that abortions may be performed within 24 weeks after the commencement of a pregnancy. Because Nevada voters approved a ballot initiative providing this state “right” to abortion, the statute will remain in effect and cannot be amended, repealed, or otherwise changed except by a direct vote of the people.
- A physician may not perform an abortion on a woman until after the physician or other qualified person informs her of the probable gestational age of the unborn child, describes the abortion procedure to be used and its risks, and explains the physical and emotional consequences of abortion.
- Nevada’s parental notification law has been declared unconstitutional. The law sought to prohibit a physician from performing an abortion on an unemancipated minor under the age of 18 until notice had been given to one parent or a court order had been secured.
- Only physicians licensed by the State of Nevada or employed by the United States and using accepted medical practices and procedures may perform abortions. Chiropractic physicians and osteopathic medical professionals are explicitly prohibited from performing abortions.
- The state has an enforceable abortion reporting law, but does not require the reporting of information to the Centers for Disease Control (CDC).
- Nevada follows the federal standard for Medicaid funding for abortions, permitting the use of federal or state matching Medicaid funds for abortions necessary to preserve the life of the woman or when the pregnancy is the result of rape or incest.

## » LEGAL RECOGNITION AND PROTECTION OF UNBORN AND NEWLY BORN

- Nevada criminal law defines the killing of an unborn child after “quickening” (discernible movement in the womb) as a form of homicide.

- The state allows a wrongful death (civil) action when a viable unborn child is killed through a negligent or criminal act.
- Under Nevada law, all reasonable steps must be taken to preserve the life and health of an infant “whenever an abortion results in the birth of an infant capable of sustained survival by natural or artificial supportive systems.”
- The state defines substance abuse during pregnancy as “child abuse” under civil child welfare statutes.

#### » **BIOETHICS LAWS**

- Nevada does not ban human cloning, destructive embryo research, or fetal experimentation, nor does it promote ethical forms of research.
- The state does not regulate assisted reproductive technologies or human egg harvesting.
- In 2013, the state enacted a measure permitting gestational surrogacy.

#### » **END OF LIFE LAWS**

- The legal status of assisted suicide in Nevada is undetermined. The state has not enacted a specific statute prohibiting assisted suicide, and it does not recognize common law crimes (including assisted suicide). Further, there is no judicial decision stating whether assisted suicide is a form of homicide under Nevada’s general homicide laws.
- The state maintains a Physician Orders for Life-Sustaining Treatment (POLST) Paradigm Program.

#### » **HEALTHCARE FREEDOM OF CONSCIENCE**

##### ***Participation in Abortion***

- Except in a medical emergency, an employer may not require a nurse, nursing assistant, or other employee to participate directly in the performance of an abortion if that person has previously signed and provided a written statement indicating a religious, moral, or ethical basis for conscientiously objecting to participation in abortions.
- Except in a medical emergency, a private hospital or licensed medical facility is not required to permit the use of its facilities for the performance of an abortion.
- Health plans providing prescription coverage must provide coverage for contraception. A conscience exemption applies to certain insurers affiliated with religious organizations.

### ***Participation in Research Harmful to Human Life***

- Nevada currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, and other forms of medical research, which violate a provider's moral or religious belief.

#### **» WHAT HAPPENED IN 2014**

- Nevada did not hold a regular legislative session in 2014.

# RECOMMENDATIONS

for NEVADA

## WOMEN'S PROTECTION PROJECT PRIORITIES

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- Women's Health Defense Act (5 month abortion limitation)
- Reflection period before abortion
- Abortion Patients' Enhanced Safety Act
- Abortion-Inducing Drugs Safety Act
- Parental Notification for Abortion Act
- Child Protection Act
- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws

## ADDITIONAL PRIORITIES

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### ***Abortion***

- Repeal State FOCA
- Federal Abortion-Mandate Opt-Out Act
- Defunding the Abortion Industry and Advancing Women's Health Act
- Women's Ultrasound Right to Know Act
- Coercive Abuse Against Mothers Prevention Act
- Prenatal Nondiscrimination Act

### ***Legal Recognition and Protection for the Unborn***

- Crimes Against the Unborn Child Act (protecting an unborn child from conception)
- Unborn Wrongful Death Act (for a pre-viable child)
- Pregnant Woman's Protection Act

### ***Bioethics***

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

### ***End of Life***

- Assisted Suicide Ban Act

### ***Healthcare Freedom of Conscience***

- Healthcare Freedom of Conscience Act