



Nebraska | RANKING 21

Nebraska maintains a number of laws and regulations protecting women and unborn children, including a limitation on abortion at 5 months (i.e., 20 weeks) development, a prohibition on “webcam abortions,” and a law defining the killing of an unborn child at any stage of gestation as homicide. Nebraska has also taken steps to prevent taxpayer funding of abortion.

ABORTION

- Nebraska prohibits abortions at or after 5 months (i.e., 20 weeks) on the basis of the pain experienced by unborn children.
- Nebraska prohibits the dilation and evacuation (dismemberment) abortion procedure.
- Under Nebraska law, a physician may not perform an abortion on a woman until at least 24 hours after counseling the woman on the risks of abortion, the risks of continued pregnancy, and the probable gestational age of the unborn child. Nebraska also provides materials describing the development of the unborn child, the medical and psychological risks of abortion, available state benefits, and public and private agencies offering alternatives to abortion. In 2019, Nebraska added a requirement that the woman be told of and given information on the possibility of reversing the effects of a chemical abortion.
- The provision of informed consent and state-prepared materials must include information on perinatal hospice. In 2017, Nebraska passed the Perinatal Hospice Information Act, based on AUL model legislation, which requires that provision of informed consent and state-prepared materials include information on perinatal hospice.
- An abortion provider who conducts an ultrasound prior to performing an abortion must display the ultrasound image of the unborn child so that the woman may see it.
- A physician may not perform an abortion on an unemancipated minor under the age of 18 without the written, notarized consent of one parent, unless there is a medical emergency or the minor obtains a court order. If the minor is a victim of rape, incest, or abuse by a parent, she may obtain the consent of a grandparent.
- Nebraska prohibits coercing a woman to have an abortion and provides that such coercion is a Class III misdemeanor.
- Nebraska mandates minimum health and safety standards for abortion facilities which, at any point during a calendar year, perform ten or more abortions during a single calendar week. The regulations prescribe medically appropriate standards for the building or facility, staffing, and medical testing of clinic employees.
- Only physicians licensed by the State of Nebraska may perform abortions.
- Nebraska has an enforceable abortion reporting law but does not require the reporting of information to

the Centers for Disease Control (CDC). The measure applies to both surgical and nonsurgical abortions and requires abortion providers to report short-term complications.

- Nebraska prohibits so-called “webcam abortions” by requiring that a physician be present in the same room with a patient when he/she performs, induces, or attempts to perform or induce an abortion.
- Nebraska 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.
- State-funded prenatal services may not be used for abortion counseling, referral for abortion, or funding for abortion.
- No funds appropriated or distributed under the Nebraska Health Care Funding Act may be used for abortions, abortion counseling, or referrals for abortions.
- No funding from the Woman’s Health Initiative Fund may be used to pay for abortions.
- Nebraska prohibits organizations that receive public funds from using those funds to provide abortions, abortion counseling, or to make referrals for abortions.
- It prohibits insurance companies from offering abortion coverage within state insurance Exchanges established pursuant to the federal healthcare law, except in cases of life endangerment.
- Nebraska prohibits private insurance companies from covering abortion, except in cases of life endangerment. Further, group health insurance contracts or health maintenance agreements paid for with public funds may not include abortion coverage unless an abortion is necessary to preserve the life of a woman.
- Nebraska prohibits Federal Title X money to fund programs “where abortion is a method of family planning.” Programs cannot assist, provide counselling, or refer for abortion.

LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- Nebraska law requires that “all reasonable steps, in accordance with the sound medical judgment of the attending physician, shall be employed to preserve the life of a child” who is born alive following an attempted abortion at any stage of development.
- Under Nebraska law, the killing of an unborn child at any stage of gestation is defined as a form of homicide. Nebraska law also provides penalties for the vehicular homicide of an unborn child.
- Nebraska criminalizes nonfatal assaults on an unborn child.
- State law maintains that any person who commits certain enumerated criminal offenses against a pregnant woman shall be punished by the imposition of the next higher penalty classification.
- Nebraska allows a wrongful death (civil) action when an unborn child at any stage of development is killed through a negligent or criminal act.
- Nebraska has a “Baby Moses” law, prohibiting the criminal prosecution of someone who relinquishes a child to an on-duty hospital employee.
- It funds drug treatment programs for pregnant women and newborns.

BIOETHICS LAWS

- Nebraska does not prohibit human cloning or destructive embryo research, but it prohibits state facilities or funds from being used for human cloning or destructive embryo research.
- Nebraska prohibits experimentation only on infants aborted alive but does not prohibit experimentation on dead fetuses.
- Funds appropriated or distributed under the Nebraska Health Care Funding Act may not be used for research or activity using fetal tissue obtained from induced abortion or human embryonic stem cells or for the purpose of obtaining other funding for such use.
- Nebraska provides funding for ethical forms of stem-cell research.
- Nebraska does not regulate assisted reproductive technologies or human egg harvesting.

PATIENT PROTECTION LAWS

- In Nebraska, assisting a suicide is a felony.

HEALTHCARE FREEDOM OF CONSCIENCE

PARTICIPATION IN ABORTION

- A person is not required to participate in an abortion.
- A hospital, institution, or other facility is not required to admit a woman for an abortion or to allow the performance of an abortion within its facility.

PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE

- Nebraska 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 that violate a provider's moral or religious beliefs.

WHAT HAPPENS AFTER *ROE* IS OVERTURNED?

- Abortion will be legal up to 20 weeks of pregnancy.

RECOMMENDATIONS FOR NEBRASKA

WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
 - Parental Involvement Enhancement Act
 - Women's Health Protection Act (emergency transfer and admission provisions)
 - Child Protection Act
-

INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
 - Prenatal Nondiscrimination Act
-

PATIENT PROTECTION ACT PRIORITIES

- Joint Resolution Opposing Suicide by Physician
 - Charlie Gard Act (formerly the Life Sustaining Care Act)
 - Pain Management Education Act
-

ADDITIONAL PRIORITIES

ABORTION

- Defunding the Abortion Industry and Advancing Women's Health Act

LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Prohibition on wrongful birth and wrongful life lawsuits
- 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

HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act