

SENATOR LABEDZ: Thank you, Mr. President. Senator Johnson just mentioned the U.S. Supreme Court. Let me read you, which was the basis for LB 663 in the Akron case, United States Supreme Court. It says, "We cannot say that the woman's consent to the abortion will not be informed if a physician delegates the counseling to another qualified individual. In so holding we do not suggest that the state is powerless to vindicate its interest in making certain the important and stressful decision to abort is made with the full knowledge of its nature and consequences. A state may define the physicians responsibility to include verification that adequate counseling has been provided, and that the woman's consent is informed. In addition, the state may establish reasonable qualifications for those people who perform the primary counseling function." Now let me read you the language that the committee has deleted from the bill. It goes on from here, and I'll tell you where they are striking it. Of the particular risk associated with the abortion procedure to be employed in her case, and they are striking this language, "including any risks associated with repeat abortions if the person upon whom the abortion is to be performed has previously undergone one or more abortions. Such statement shall also include a verification by the attending physician that the person providing the information, specified in this subdivision of this section, to the person upon whom the abortion is to be performed, is in the attending physician's medical judgement reasonably qualified to so advise and provide such information." So, Senator Johnson, it was in the Supreme Court in the Akron case. I urge the adoption of this amendment deleting the committee amendments.

PRESIDENT: Senator Chambers. May we have a little attention, please. (Gavel.)

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, many times language in a court decision can be misread and misconstrued by those who have certain purposes in mind and wish to slightly move the court's wording in a direction to make it appear to say something that it's not. The state under, I think, caselaw and existing statutes relative to the regulation of how physicians perform surgical procedures, does require, or these items do require what Senator Labeledz is talking about already. There is nothing she can find in caselaw or statute law which would exempt a doctor from liability if he should authorize