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LB 316

and honestly say that though Senator Chambers has a compelling argument for trying to go into these areas of determination, it is not necessary and may in fact be risky. If we strictly stick with that definition of viability as given to us and leave these other matters for court decisions, medical advancements, I think we are safe. Okay, one of the situations that Senator Chambers raised in the committee that I thought was more than legitimate was what is an emergency. We have tried to define emergency in a reasonable manner, a manner not acceptable to the pro-life people, a manner not acceptable to the pro-choice people, but a manner that both feel they can live with. "Emergency situation shall mean a condition exists that in the best medical judgment of the physician the abortion should be performed without delay so as not to adversely affect the best physical or mental health of the woman." Then there was some changes, "pregnancy and childbirth," instead of "pregnancy or childbirth" that the pro-life group wanted. A major, major, major part of this amendment is on the second page at the top, an issue I quite personally disagree with but I have gone along with and the pro-life people have, we struck all the language that prevented an abortion on a minor child under seventeen years of age without the written consent and the consent of the guardian. We put in language in line 7 of page 2 on the matter of women under the age of eighteen needing, or wanting or requiring an abortion. We refined the emergency situation in there so the court could not say, well you are absolutely preventing them from getting an abortion contrary to the Supreme Court. We have an out there. We have the problem of what about the unemancipated minor or pregnant woman that may be away from their parents or whatever. I think we have addressed that. The confidentiality we have tried to address in some extreme detail, maintaining of records for no more than ten years and no disclosure of this confidential information. There have been some major changes there and I do not want to deceive anybody at this point. One of the most major things that is in this bill, so that you all know, Nebraska is one of two states in the United States that our Supreme Court has said the right of privacy does not exist in the state, ranks army case. In view of the fact that the U.S. Supreme Court has said the abortion issue is a matter of privacy and right to privacy, we felt it was necessary to first recognize that the right of privacy does exist and in effect, overturn this case as the Supreme Court indicated we should do if we intended to do anything in the area of privacy so we say, "The Legislature hereby establishes the general right of privacy in the State of Nebraska giving citizens a cause of action