

penalty is reserved exclusively for the attending physician. That is found in section 7. Mr. Chairman, I appreciate that but this is mainly for the record and they don't understand it anyway. The only contingency allowing suspension of the requirements of section 6 of LB 316 is an emergency situation defined by the bill in terms of medical judgment and not in terms of inability to write or nonexistence of parent or guardian. It would seem that some members of the affected class may be rendered legally incapable of complying with this section and cannot obtain, without deception or commission of a crime by the physician, the same abortion which is available to other members of the class. No law may withhold in an arbitrary fashion, a privilege from some while extending it to many who are similarly situated. Clearly, the foreseeable effect of this statutory scheme of intrigue is dishonesty, deception and evasion--and not the furthering of a legitimate state interest in the health and welfare of the arbitrarily delineated class of females under the age of 18. Suppose a minor is coerced by the man who impregnated her, into falsifying the statement of consultation--or into lying about her age or marital status? No cognizance is taken of such a foreseeable contingency. Yet, no penalty is attached to anyone except the physician who may innocently violate the law as a result of being deceived as to the woman's age or marital status. A very serious ambiguity is created by the term "written consent" in section 6, rather than the use of the term "informed consent" which is defined by LB 316 in subsection (8) found on page 3 of that request, 2661. No definition of "written consent" is provided in LB 316. Written consent is not the same as "informed consent" as defined in LB 316. Language from the Colautti case is instructive because it deals with terms which appeared to be the same in meaning at first blush ("may be viable" as opposed to "viable"). The Supreme court rejected that contention. "Appellants' argument that "may be viable" is synonymous with "viable" would make either the first or the second condition redundant or largely superfluous, in violation of the elementary canon of construction that a statute should be interpreted so as not to render one part inoperative. Furthermore, the suggestion that "may be viable" is an explication of the meaning of "viable" flies in the face of the fact that the statute already defines "viable". That is found in 5 Family Law Reporter 3037. "Written consent" obviously has a broader dictionary definition meaning than the narrow statutory definition of "informed consent" found in LB 316. Where criminal penalties are to be imposed for prohibited conduct,