

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1032

Introduced by Kintner, 2; Garrett, 3.

Read first time January 22, 2014

Committee:

A BILL

1 FOR AN ACT relating to abortion; to amend section 71-401, Revised
2 Statutes Supplement, 2013; to require the posting of
3 signs regarding abortion; to provide penalties; to
4 harmonize provisions; to provide severability; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-401, Revised Statutes Supplement,
2 2013, is amended to read:

3 71-401 Sections 71-401 to 71-469 and sections 2 and 3 of
4 this act shall be known and may be cited as the Health Care Facility
5 Licensure Act.

6 Sec. 2. (1) Any health care facility in which abortions,
7 other than abortions necessary to prevent the death of the woman, are
8 performed shall conspicuously post a sign, in a location specified in
9 subsection (3) of this section so as to be clearly visible to
10 patients, which reads:

11 Notice: It is against the law for anyone, regardless of
12 his or her relationship to you, to force you to have an abortion. By
13 law, we cannot perform an abortion on you unless we have your freely
14 given and voluntary consent. It is against the law to perform an
15 abortion on you against your will. You have the right to contact any
16 local or state law enforcement agency to receive protection from any
17 actual or threatened physical abuse or violence.

18 (2) The sign required pursuant to this section shall be
19 printed with lettering that is legible and shall be at least three-
20 quarters of an inch boldface type.

21 (3) A health care facility in which abortions are
22 performed that is a freestanding surgical outpatient clinic shall
23 post the required sign in each patient waiting room and patient
24 consultation room used by patients on whom abortions are performed. A
25 hospital or any other health care facility in which abortions are

1 performed that is not a private office or freestanding surgical
2 outpatient clinic shall post the required sign in each patient
3 admission area used by patients on whom abortions are performed.

4 (4) Any health care facility that fails to post a
5 required sign in knowing, reckless, or negligent violation of this
6 section shall be assessed a fine of ten thousand dollars. Each day on
7 which an abortion, other than an abortion necessary to prevent the
8 death of the woman, is performed in any health care facility during
9 which the required sign is not posted during a portion of business
10 hours when patients or prospective patients are present is a separate
11 violation.

12 (5) The sanctions provided in this section do not
13 displace any sanction applicable under other law.

14 Sec. 3. (1) Any health care practitioner facility in
15 which abortions, other than abortions necessary to prevent the death
16 of the woman, are performed shall conspicuously post a sign, in a
17 location specified in subsection (3) of this section so as to be
18 clearly visible to patients, which reads:

19 Notice: It is against the law for anyone, regardless of
20 his or her relationship to you, to force you to have an abortion. By
21 law, we cannot perform an abortion on you unless we have your freely
22 given and voluntary consent. It is against the law to perform an
23 abortion on you against your will. You have the right to contact any
24 local or state law enforcement agency to receive protection from any
25 actual or threatened physical abuse or violence.

1 (2) The sign required pursuant to this section shall be
2 printed with lettering that is legible and shall be at least three-
3 quarters of an inch boldface type.

4 (3) A health care practitioner facility in which
5 abortions are performed shall post the required sign in each patient
6 waiting room and patient consultation room used by patients on whom
7 abortions are performed.

8 (4) Any health care practitioner facility that fails to
9 post a required sign in knowing, reckless, or negligent violation of
10 this section shall be assessed a fine of ten thousand dollars. Each
11 day on which an abortion, other than an abortion necessary to prevent
12 the death of the woman, is performed in any health care practitioner
13 facility during which the required sign is not posted during a
14 portion of business hours when patients or prospective patients are
15 present is a separate violation.

16 (5) The sanctions provided in this section do not
17 displace any sanction applicable under other law.

18 Sec. 4. If any section in this act or any part of any
19 section is declared invalid or unconstitutional, the declaration
20 shall not affect the validity or constitutionality of the remaining
21 portions.

22 Sec. 5. Original section 71-401, Revised Statutes
23 Supplement, 2013, is repealed.