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FLOOR DEBATE

January 16, 2002 LB 462

SENATOR BRASHEAR: Mr. Speaker, members of the body, I rise in opposition to the motion to recommit and, in order to try and bring clarity where it's been alleged that there has been distortion, I'd like to review the provisions of LB 462 and why it need not be recommitted. It is intended to create a wall of separation between the state of Nebraska and the abortion industry. It will prohibit the use of human fetal tissue from an induced abortion, but only by public employees of the state or local government or with state or local facilities or funds, and only that. The bill does create a criminal penalty for buying or selling of human fetal tissue for value, and the solicitation of an abortion for purposes of obtaining tissue, but it does not provide a criminal penalty for the use only, so it was targeted. The bill states that the use of human fetal tissue from an induced abortion by the state or its instrumentalities has an adverse impact upon our society. That adverse impact is alleged to be or specified to be the creation of an entanglement between the state and abortion providers. It set forth that such an entanglement makes the state dependent upon the existence of future induced abortions to supply human fetal tissue, and also there's a finding that it is contrary to the state's longstanding policy of protecting unborn life to have such an entanglement. The bill prohibits the use of human fetal tissue from an induced abortion by employees of the state or any political subdivision, working within the course and scope of their employment, from using public facilities, public equipment, or any other physical asset of the government, and from using funds received or controlled by the state or a political subdivision. Human fetal tissue is defined exactly as it is in federal law, existing federal law, which has been in effect since 1993, to include tissue, cells, or organs obtained from a living or dead human unborn child. Human fetal tissue from an induced abortion is specifically and carefully defined to include human fetal tissue obtained from an induced abortion, not a spontaneous abortion, unless the human fetal tissue is demonstrated to have been obtained from an abortion induced prior to the effective date of this act, which has not yet occurred, and, therefore, does not prohibit any abortion which has taken place or is taking place now, or any cell lines derived therefrom. The prohibition on the use of human fetal