

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 294

Introduced by Foley, 29; Baker, 44; Bromm, 23; Burling, 33;
Byars, 30; Combs, 32; Cunningham, 40; Engel, 17;
Erdman, 47; Friend, 10; Hartnett, 45; Hudkins, 21;
Jensen, 20; Jones, 43; Kremer, 34; Maxwell, 9;
Mines, 18; Mossey, 3; Dw. Pedersen, 39; Preister, 5;
Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48;
Stuhr, 24; Stuthman, 22; Synowiecki, 7; Tyson, 19;
Vrtiska, 1

Read first time January 13, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to unborn children; to amend section 30-809,
2 Reissue Revised Statutes of Nebraska; to provide that the
3 term person includes an unborn child for purposes of
4 wrongful death actions; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 30-809, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 30-809. (1) Whenever the death of a person, including an
4 unborn child in utero at any stage of gestation, is shall be caused
5 by the wrongful act, neglect, or default, of any person, company,
6 or corporation, and the act, neglect, or default is such as would,
7 if death had not ensued, have entitled the party person injured to
8 maintain an action and recover damages in respect thereof, then,
9 and in every such case, the person who, or company or corporation
10 which, would have been liable if death had not ensued, shall be is
11 liable to in an action for damages, notwithstanding the death of
12 the person injured, and although the death shall have been was
13 caused under such circumstances as amount in law to felony.

14 (2) No action for damages for the death of a person who
15 is an unborn child shall be brought under this section against:

16 (a) The mother of the unborn child;

17 (b) A physician or other licensed health care provider if
18 the death was the intended result of a medical procedure performed
19 by the physician or health care provider and the requisite consent
20 was given; or

21 (c) A person who dispenses or administers a drug or
22 device in accordance with law if the death was the intended result
23 of the dispensation or administration of the drug or device.

24 Sec. 2. Original section 30-809, Reissue Revised
25 Statutes of Nebraska, is repealed.