

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 479

Introduced by Lathrop, 12.

Read first time January 18, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to minors; to amend section 29-4306, Reissue
2 Revised Statutes of Nebraska; to authorize a minor to
3 give consent to evidence collection and examination and
4 treatment in cases of sexual assault and domestic
5 violence; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4306, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-4306 Every health care professional as defined in
4 section 44-5418 or any person in charge of any emergency room in this
5 state:

6 (1) Shall utilize a standardized sexual assault evidence
7 collection kit approved by the Attorney General; and

8 (2) Shall collect forensic evidence with the consent of
9 the sexual assault or domestic violence victim without separate
10 authorization by a law enforcement agency. If the sexual assault or
11 domestic violence victim is eighteen years of age, the consent of or
12 notification of the parent, parents, guardian, or any other person
13 having custody of the sexual assault or domestic violence victim is
14 not required.

15 Sec. 2. For purposes of this section, physician includes
16 the chief medical officer as designated in section 81-3115, mental
17 health professional as defined in section 71-906, local director of
18 health, if a physician, or his or her agent, or any physician. A
19 physician, upon consultation with a patient who is eighteen years of
20 age, shall, with the consent of the patient, make or cause to be made
21 a diagnostic examination for physical or mental injuries associated
22 with sexual assault or domestic violence and prescribe for and treat
23 such person for injuries associated with sexual assault or domestic
24 violence. All such examinations and treatment may be performed
25 without the consent of or notification to the parent, parents,

1 guardian, or any other person having custody of the patient. In any
2 such case, the physician shall incur no civil or criminal liability
3 for making such diagnostic examination or rendering such treatment,
4 but such immunity shall not apply to any negligent acts or omissions.
5 The physician shall incur no civil or criminal liability for any
6 adverse reaction to medication administered if reasonable care is
7 taken to elicit from the patient a history of sensitivity or previous
8 adverse reaction to medication.

9 Sec. 3. Original section 29-4306, Reissue Revised
10 Statutes of Nebraska, is repealed.