

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 187

Introduced by Kintner, 2; Bloomfield, 17; Brasch, 16; Craighead, 6; Ebke, 32; Friesen, 34; Garrett, 3; Groene, 42; Hilke, 4; Johnson, 23; Lindstrom, 18; Riepe, 12; Schnoor, 15; Smith, 14.

Read first time January 12, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to health care facilities; to amend section
2 71-401, Revised Statutes Cumulative Supplement, 2014; to require the
3 Department of Health and Human Services and health care facilities
4 to provide information regarding abortion; to require the posting of
5 signs regarding abortion; to provide penalties; to harmonize
6 provisions; to provide severability; and to repeal the original
7 section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-401, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

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

6 Sec. 2. (1) The Department of Health and Human Services shall
7 develop and maintain a dedicated Internet web page on the web site of the
8 Department of Health and Human Services to provide the information
9 described in this section and section 28-327.01. No information regarding
10 who uses the web page shall be collected or maintained. The department
11 shall monitor the web page on a regular basis and shall immediately
12 notify health care facilities which provide abortions as defined in
13 section 28-326 of any change in the location of the material on the web
14 page.

15 (2) The department shall ensure that the web page:

16 (a) Uses user-friendly search capabilities to ensure that the
17 information described in this section and section 28-327.01 is easily
18 accessible and is searchable by keywords and phrases, specifically to
19 ensure that entering the terms "abortion" and "abortion information"
20 yields the information described in this section and section 28-327.01,
21 regardless of how such information is labeled;

22 (b) Allows for the printing of such information other than videos;

23 (c) Gives clear, prominent instructions on how to obtain the
24 information in printed form; and

25 (d) Is accessible to the public without requiring registration or
26 use of a user name, a password, or another user identification.

27 (3) The department shall include on the web page developed under
28 subsection (1) of this section video of ultrasound images, using the best
29 available ultrasound technology, of an unborn child as defined in section
30 28-396 at two-week gestational increments.

31 Sec. 3. If a health care facility which provides abortions as

1 defined in section 28-326 has a web site, the health care facility shall
2 place on the home page of the web site a direct link to the web page
3 developed pursuant to section 2 of this act containing the information
4 described in such section. The language of the link shall be maintained
5 at a minimum resolution of seventy dots per inch. All letters on the link
6 shall be a minimum of fourteen-point font. The link shall read as
7 follows: "The Nebraska Department of Health and Human Services maintains
8 a web page containing information about the development of the unborn
9 child and videos of ultrasound images of the unborn child at various
10 stages of development. The web page also has information on alternatives
11 to abortion and a comprehensive list on where to obtain an ultrasound
12 free of charge. The web page can be reached by clicking here."

13 Sec. 4. (1) Any health care facility in which abortions, other than
14 abortions necessary to prevent the death of the woman, are performed
15 shall conspicuously post a sign, in a location specified in subsection
16 (3) of this section so as to be clearly visible to patients, which reads:

17 Notice: It is against the law for any person, regardless of their
18 relationship to you, to force you to have an abortion. By law, we cannot
19 perform an abortion on you unless we have your express consent which is
20 freely and voluntarily given. It is against the law to perform an
21 abortion on you against your will according to section 28-327 of the
22 Nebraska Revised Statutes. You have the right to contact any local or
23 state law enforcement agency to receive protection from any actual or
24 threatened physical abuse or violence.

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

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

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

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

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

14 Sec. 5. (1) Any health care practitioner facility in which
15 abortions, other than abortions necessary to prevent the death of the
16 woman, are performed shall conspicuously post a sign, in a location
17 specified in subsection (3) of this section so as to be clearly visible
18 to patients, which reads:

19 Notice: It is against the law for any person, regardless of their
20 relationship to you, to force you to have an abortion. By law, we cannot
21 perform an abortion on you unless we have your express consent which is
22 freely and voluntarily given. It is against the law to perform an
23 abortion on you against your will according to section 28-327 of the
24 Nebraska Revised Statutes. You have the right to contact any local or
25 state law enforcement agency to receive protection from any actual or
26 threatened physical abuse or violence.

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

30 (3) A health care practitioner facility in which abortions are
31 performed shall post the required sign in each patient waiting room and

1 patient consultation room used by patients on whom abortions are
2 performed.

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

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

13 Sec. 6. If any section in this act or any part of any section is
14 declared invalid or unconstitutional, the declaration shall not affect
15 the validity or constitutionality of the remaining portions.

16 Sec. 7. Original section 71-401, Revised Statutes Cumulative
17 Supplement, 2014, is repealed.