

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 574

FINAL READING
(SECOND)

Introduced by Kauth, 31; Aguilar, 35; Albrecht, 17; Bostelman, 23;
Brewer, 43; Clements, 2; DeKay, 40; Dorn, 30; Dover, 19;
Erdman, 47; Halloran, 33; Hardin, 48; Holdcroft, 36;
Hughes, 24; Ibach, 44; Jacobson, 42; Linehan, 39;
Lippincott, 34; Lowe, 37; McDonnell, 5; Murman, 38;
Sanders, 45; von Gillern, 4; Slama, 1; Hansen, B., 16.

Read first time January 17, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 38-192, 38-193, and 38-196, Reissue Revised Statutes of
3 Nebraska, and sections 38-178, 38-179, 38-2021, and 38-2894, Revised
4 Statutes Cumulative Supplement, 2022; to adopt the Preborn Child
5 Protection Act and the Let Them Grow Act; to provide for discipline
6 under the Uniform Credentialing Act; to harmonize provisions; to
7 provide operative dates; to provide severability; to repeal the
8 original sections; and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and may be
2 cited as the Preborn Child Protection Act.

3 Sec. 2. The Preborn Child Protection Act only applies to
4 intrauterine pregnancies.

5 Sec. 3. For purposes of the Preborn Child Protection Act:

6 (1)(a) Abortion means the prescription or use of any instrument,
7 device, medicine, drug, or substance to or upon a woman known to be
8 pregnant with the specific intent of terminating the life of her preborn
9 child.

10 (b) Abortion shall under no circumstances be interpreted to include:

11 (i) Removal of an ectopic pregnancy;

12 (ii) Removal of the remains of a preborn child who has already died;

13 (iii) An act done with the intention to save the life or preserve
14 the health of the preborn child;

15 (iv) The accidental or unintentional termination of the life of a
16 preborn child; or

17 (v) During the practice of in vitro fertilization or another
18 assisted reproductive technology, the termination or loss of the life of
19 a preborn child who is not being carried inside a woman's body;

20 (2) Gestational age means the age of a preborn child as calculated
21 from the first day of the last menstrual period of the pregnant woman;

22 (3)(a) Medical emergency means any condition which, in reasonable
23 medical judgment, so complicates the medical condition of the pregnant
24 woman as to necessitate the termination of her pregnancy to avert her
25 death or for which a delay in terminating her pregnancy will create a
26 serious risk of substantial and irreversible physical impairment of a
27 major bodily function.

28 (b) No condition shall be deemed a medical emergency if based on a
29 claim or diagnosis that the woman will engage in conduct which would
30 result in her death or in substantial and irreversible physical
31 impairment of a major bodily function;

1 (4) Preborn child means an individual living member of the species
2 homo sapiens, throughout the embryonic and fetal stages of development to
3 full gestation and childbirth;

4 (5) Pregnant means the condition of having a living preborn child
5 inside one's body; and

6 (6) Reasonable medical judgment means a medical judgment that could
7 be made by a reasonably prudent physician, knowledgeable about the case
8 and the treatment possibilities with respect to the medical conditions
9 involved.

10 Sec. 4. (1) Except as provided in subsection (3) of this section, a
11 physician, before performing or inducing an abortion, shall first:

12 (a) Determine, using standard medical practice, the gestational age
13 of the preborn child; and

14 (b) Record in the pregnant woman's medical record:

15 (i) The method used to determine the gestational age of the preborn
16 child; and

17 (ii) The date, time, and results of such determination.

18 (2) Except as provided in subsection (3) of this section, it shall
19 be unlawful for any physician to perform or induce an abortion:

20 (a) Before fulfilling the requirements of subsection (1) of this
21 section; or

22 (b) If the probable gestational age of the preborn child has been
23 determined to be twelve or more weeks.

24 (3) It shall not be a violation of subsection (1) or (2) of this
25 section for a physician to perform or induce an abortion in the case of:

26 (a) Medical emergency;

27 (b) Pregnancy resulting from sexual assault as defined in section
28 28-319 or 28-319.01; or

29 (c) Pregnancy resulting from incest as defined in section 28-703.

30 Sec. 5. (1) If a physician performs or induces an abortion because
31 of a medical emergency pursuant to subdivision (3)(a) of section 4 of

1 this act, the physician shall certify in writing that a medical emergency
2 existed and explain the medical emergency in the written certification.
3 The physician shall keep the written certification in the woman's medical
4 record.

5 (2) If a physician performs or induces an abortion in the case of
6 sexual assault or incest pursuant to subdivision (3)(b) or (c) of section
7 4 of this act, the physician shall certify in writing that the abortion
8 was performed because of sexual assault or incest and that the physician
9 complied with all applicable duties imposed by section 28-902. The
10 physician shall keep the written certification in the woman's medical
11 record.

12 Sec. 6. No woman upon whom an abortion is attempted, induced, or
13 performed shall be liable for a violation of the Preborn Child Protection
14 Act.

15 Sec. 7. Section 38-178, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 38-178 Except as otherwise provided in sections 38-1,119 to
18 38-1,123, a credential to practice a profession may be issued subject to
19 discipline, denied, refused renewal, or have other disciplinary measures
20 taken against it in accordance with section 38-183, 38-185, or 38-186 on
21 any of the following grounds:

22 (1) Misrepresentation of material facts in procuring or attempting
23 to procure a credential;

24 (2) Immoral or dishonorable conduct evidencing unfitness to practice
25 the profession in this state;

26 (3) Abuse of, dependence on, or active addiction to alcohol, any
27 controlled substance, or any mind-altering substance;

28 (4) Failure to comply with a treatment program or an aftercare
29 program, including, but not limited to, a program entered into under the
30 Licensee Assistance Program established pursuant to section 38-175;

31 (5) Conviction of (a) a misdemeanor or felony under Nebraska law or

1 federal law, or (b) a crime in any jurisdiction which, if committed
2 within this state, would have constituted a misdemeanor or felony under
3 Nebraska law and which has a rational connection with the fitness or
4 capacity of the applicant or credential holder to practice the
5 profession;

6 (6) Practice of the profession (a) fraudulently, (b) beyond its
7 authorized scope, (c) with gross incompetence or gross negligence, or (d)
8 in a pattern of incompetent or negligent conduct;

9 (7) Practice of the profession while the ability to practice is
10 impaired by alcohol, controlled substances, drugs, mind-altering
11 substances, physical disability, mental disability, or emotional
12 disability;

13 (8) Physical or mental incapacity to practice the profession as
14 evidenced by a legal judgment or a determination by other lawful means;

15 (9) Illness, deterioration, or disability that impairs the ability
16 to practice the profession;

17 (10) Permitting, aiding, or abetting the practice of a profession or
18 the performance of activities requiring a credential by a person not
19 credentialed to do so;

20 (11) Performing or offering to perform scleral tattooing as defined
21 in section 38-10,172 by a person not credentialed to do so;

22 (12) Having had his or her credential denied, refused renewal,
23 limited, suspended, revoked, or disciplined in any manner similar to
24 section 38-196 by another state or jurisdiction based upon acts by the
25 applicant or credential holder similar to acts described in this section;

26 (13) Use of untruthful, deceptive, or misleading statements in
27 advertisements, including failure to comply with section 38-124;

28 (14) Conviction of fraudulent or misleading advertising or
29 conviction of a violation of the Uniform Deceptive Trade Practices Act;

30 (15) Distribution of intoxicating liquors, controlled substances, or
31 drugs for any other than lawful purposes;

1 (16) Violations of the Uniform Credentialing Act or the rules and
2 regulations relating to the particular profession;

3 (17) Unlawful invasion of the field of practice of any profession
4 regulated by the Uniform Credentialing Act which the credential holder is
5 not credentialed to practice;

6 (18) Violation of the Uniform Controlled Substances Act or any rules
7 and regulations adopted pursuant to the act;

8 (19) Failure to file a report required by section 38-1,124,
9 38-1,125, or 71-552;

10 (20) Failure to maintain the requirements necessary to obtain a
11 credential;

12 (21) Violation of an order issued by the department;

13 (22) Violation of an assurance of compliance entered into under
14 section 38-1,108;

15 (23) Failure to pay an administrative penalty;

16 (24) Unprofessional conduct as defined in section 38-179;

17 (25) Violation of the Automated Medication Systems Act; ~~or~~

18 (26) Failure to comply with section 38-1,147; or ~~or~~

19 (27) Violation of the Preborn Child Protection Act.

20 Sec. 8. Section 38-179, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 38-179 For purposes of section 38-178, unprofessional conduct means
23 any departure from or failure to conform to the standards of acceptable
24 and prevailing practice of a profession or the ethics of the profession,
25 regardless of whether a person, consumer, or entity is injured, or
26 conduct that is likely to deceive or defraud the public or is detrimental
27 to the public interest, including, but not limited to:

28 (1) Receipt of fees on the assurance that an incurable disease can
29 be permanently cured;

30 (2) Division of fees, or agreeing to split or divide the fees,
31 received for professional services with any person for bringing or

1 referring a consumer other than (a) with a partner or employee of the
2 applicant or credential holder or his or her office or clinic, (b) with a
3 landlord of the applicant or credential holder pursuant to a written
4 agreement that provides for payment of rent based on gross receipts, or
5 (c) with a former partner or employee of the applicant or credential
6 holder based on a retirement plan or separation agreement;

7 (3) Obtaining any fee for professional services by fraud, deceit, or
8 misrepresentation, including, but not limited to, falsification of third-
9 party claim documents;

10 (4) Cheating on or attempting to subvert the credentialing
11 examination;

12 (5) Assisting in the care or treatment of a consumer without the
13 consent of such consumer or his or her legal representative;

14 (6) Use of any letters, words, or terms, either as a prefix, affix,
15 or suffix, on stationery, in advertisements, or otherwise, indicating
16 that such person is entitled to practice a profession for which he or she
17 is not credentialed;

18 (7) Performing, procuring, or aiding and abetting in the performance
19 or procurement of a criminal abortion;

20 (8) Knowingly disclosing confidential information except as
21 otherwise permitted by law;

22 (9) Commission of any act of sexual abuse, misconduct, or
23 exploitation related to the practice of the profession of the applicant
24 or credential holder;

25 (10) Failure to keep and maintain adequate records of treatment or
26 service;

27 (11) Prescribing, administering, distributing, dispensing, giving,
28 or selling any controlled substance or other drug recognized as addictive
29 or dangerous for other than a medically accepted therapeutic purpose;

30 (12) Prescribing any controlled substance to (a) oneself or (b)
31 except in the case of a medical emergency (i) one's spouse, (ii) one's

1 child, (iii) one's parent, (iv) one's sibling, or (v) any other person
2 living in the same household as the prescriber;

3 (13) Failure to comply with any federal, state, or municipal law,
4 ordinance, rule, or regulation that pertains to the applicable
5 profession;

6 (14) Disruptive behavior, whether verbal or physical, which
7 interferes with consumer care or could reasonably be expected to
8 interfere with such care; ~~and~~

9 (15) Violation of the Preborn Child Protection Act;

10 (16) Beginning October 1, 2023, performing gender-altering
11 procedures for an individual younger than nineteen years of age in
12 violation of section 17 of this act; and

13 (17) ~~(15)~~ Such other acts as may be defined in rules and
14 regulations.

15 Nothing in this section shall be construed to exclude determination
16 of additional conduct that is unprofessional by adjudication in
17 individual contested cases.

18 Sec. 9. Section 38-192, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-192 (1) If the director determines upon completion of a hearing
21 under section 38-183 or 38-186 that a violation has occurred, the
22 director may, at his or her discretion, consult with the appropriate
23 board concerning sanctions to be imposed or terms and conditions of the
24 sanctions. When the director consults with a board, the credential holder
25 and the Attorney General shall be provided with a copy of the director's
26 request, the recommendation of the board, and an opportunity to respond
27 in such manner as the director determines.

28 (2) Except as provided in subsection (3) of this section, the The
29 director shall have the authority through entry of an order to exercise
30 in his or her discretion any or all of the sanctions authorized under
31 subsection (1) of section 38-196.

1 (3) If the director determines upon completion of a hearing under
2 section 38-183 or 38-186 that a licensee has performed or induced an
3 unlawful abortion in violation of section 4 of this act, the director
4 shall enter an order imposing a sanction authorized under subsection (2)
5 of section 38-196.

6 Sec. 10. Section 38-193, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-193 (1) If the petition is brought with respect to subdivision
9 (3) of section 38-2021, the director shall make findings as to whether
10 the licensee's conduct was necessary to save the life of a mother whose
11 life was endangered by a physical disorder, physical illness, or physical
12 injury, including a life-endangering physical condition caused by or
13 arising from the pregnancy itself. The director shall have the authority
14 through entry of an order to exercise in his or her discretion any or all
15 of the sanctions authorized under section 38-196, irrespective of the
16 petition.

17 (2) If the petition is brought with respect to subdivision (5) of
18 section 38-2021, the director shall make findings as to whether the
19 licensee performed or induced an unlawful abortion in violation of
20 section 4 of this act. If the director finds such a violation, the
21 director shall enter an order revoking the licensee's credential to
22 practice pursuant to the Uniform Credentialing Act in the State of
23 Nebraska in accordance with subsection (2) of section 38-196 and section
24 38-1,100.

25 Sec. 11. Section 38-196, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 38-196 (1) Except as provided in subsection (2) of this section,
28 upon ~~upon~~ the completion of any hearing held regarding discipline of a
29 credential, the director may dismiss the action or impose any of the
30 following sanctions:

31 (a) ~~(1)~~ Censure;

- 1 (b) ~~(2)~~ Probation;
- 2 (c) ~~(3)~~ Limitation;
- 3 (d) ~~(4)~~ Civil penalty;
- 4 (e) ~~(5)~~ Suspension; or
- 5 (f) ~~(6)~~ Revocation.

6 (2) Upon completion of any hearing regarding discipline of a
7 credential for performing or inducing an unlawful abortion in violation
8 of section 4 of this act, if the director determines that such violation
9 occurred, the director shall impose a sanction of revocation in
10 accordance with section 38-1,100.

11 Sec. 12. Section 38-2021, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 38-2021 Unprofessional conduct means any departure from or failure
14 to conform to the standards of acceptable and prevailing practice of
15 medicine and surgery or the ethics of the profession, regardless of
16 whether a person, patient, or entity is injured, or conduct that is
17 likely to deceive or defraud the public or is detrimental to the public
18 interest, including, but not limited to:

19 (1) Performance by a physician of an abortion as defined in
20 subdivision (1) of section 28-326 under circumstances when he or she will
21 not be available for a period of at least forty-eight hours for
22 postoperative care unless such postoperative care is delegated to and
23 accepted by another physician;

24 (2) Performing an abortion upon a minor without having satisfied the
25 requirements of sections 71-6901 to 71-6911;

26 (3) The intentional and knowing performance of a partial-birth
27 abortion as defined in subdivision (8) of section 28-326, unless such
28 procedure is necessary to save the life of the mother whose life is
29 endangered by a physical disorder, physical illness, or physical injury,
30 including a life-endangering physical condition caused by or arising from
31 the pregnancy itself; ~~and~~

1 (4) Performance by a physician of an abortion in violation of the
2 Pain-Capable Unborn Child Protection Act; and -

3 (5) Violation of the Preborn Child Protection Act.

4 Sec. 13. Section 38-2894, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 38-2894 (1) A registration to practice as a pharmacy technician may
7 be denied, refused renewal, removed, or suspended or have other
8 disciplinary measures taken against it by the department, with the
9 recommendation of the board, for failure to meet the requirements of or
10 for violation of any of the provisions of subdivisions (1) through (18)
11 and (20) through (27) ~~(26)~~ of section 38-178 and sections 38-2890 to
12 38-2897 or the rules and regulations adopted under such sections.

13 (2) If the department proposes to deny, refuse renewal of, or remove
14 or suspend a registration, it shall send the applicant or registrant a
15 notice setting forth the action to be taken and the reasons for the
16 determination. The denial, refusal to renew, removal, or suspension shall
17 become final thirty days after mailing the notice unless the applicant or
18 registrant gives written notice to the department of his or her desire
19 for an informal conference or for a formal hearing.

20 (3) Notice may be served by any method specified in section
21 25-505.01, or the department may permit substitute or constructive
22 service as provided in section 25-517.02 when service cannot be made with
23 reasonable diligence by any of the methods specified in section
24 25-505.01.

25 (4) Pharmacy technicians may participate in the Licensee Assistance
26 Program described in section 38-175.

27 Sec. 14. Sections 14 to 20 of this act shall be known and may be
28 cited as the Let Them Grow Act.

29 Sec. 15. The Legislature finds that:

30 (1) The state has a compelling government interest in protecting the
31 health and safety of its citizens, especially vulnerable children;

1 (2) Genital and nongenital gender-altering surgeries are generally
2 not recommended for children, although evidence indicates referral for
3 children to have such surgeries are becoming more frequent; and

4 (3) Genital and nongenital gender-altering surgery includes several
5 irreversible and invasive procedures for biological males and biological
6 females and involves the alteration of biologically healthy and
7 functional body parts.

8 Sec. 16. For purposes of the Let Them Grow Act:

9 (1) Biological sex means the biological indication of male and
10 female in the context of reproductive potential or capacity, such as sex
11 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous
12 internal and external genitalia present at birth, without regard to an
13 individual's psychological, chosen, or subjective experience of gender;

14 (2) Cross-sex hormones means testosterone or other androgens given
15 to biological females in amounts that are larger or more potent than
16 would normally occur naturally in healthy biological sex females and
17 estrogen given to biological males in amounts that are larger or more
18 potent than would normally occur naturally in healthy biological sex
19 males;

20 (3) Gender means the psychological, behavioral, social, and cultural
21 aspects of being male or female;

22 (4) Gender-altering surgery means any medical or surgical service
23 that seeks to surgically alter or remove healthy physical or anatomical
24 characteristics or features that are typical for the individual's
25 biological sex in order to instill or create physiological or anatomical
26 characteristics that resemble a sex different from the individual's
27 biological sex, including without limitation, genital or nongenital
28 gender-altering surgery performed for the purpose of assisting an
29 individual with a gender alteration;

30 (5) Gender alteration means the process in which a person goes from
31 identifying with and living as a gender that corresponds to his or her

1 biological sex to identifying with and living as a gender different from
2 his or her biological sex and may involve social, legal, or physical
3 changes;

4 (6)(a) Gender-altering procedures includes any medical or surgical
5 service, including without limitation physician's services, inpatient and
6 outpatient hospital services, or prescribed drugs related to gender
7 alteration, that seeks to:

8 (i) Alter or remove physical or anatomical characteristics or
9 features that are typical for the individual's biological sex; or

10 (ii) Instill or create physiological or anatomical characteristics
11 that resemble a sex different from the individual's biological sex,
12 including without limitation medical services that provide puberty-
13 blocking drugs, cross-sex hormones, or other mechanisms to promote the
14 development of feminizing or masculinizing features in the opposite
15 biological sex, or genital or nongenital gender-altering surgery
16 performed for the purpose of assisting an individual with a gender
17 alteration;

18 (b) Gender-altering procedures does not include:

19 (i) Services to persons born with a medically verifiable disorder of
20 sex development, including a person with external biological sex
21 characteristics that are irresolvably ambiguous, such as those born with
22 46 XX chromosomes with virilization, 46 XY chromosomes with
23 undervirilization, or having both ovarian and testicular tissue;

24 (ii) Services provided when a health care practitioner has otherwise
25 diagnosed a disorder of sexual development that the health care
26 practitioner has determined, through genetic or biochemical testing, that
27 the person does not have normal sex-chromosome structure, sex-steroid
28 production, or sex-steroid hormone action;

29 (iii) The acute and chronic treatment of any infection, injury,
30 disease, or disorder that has been caused by or exacerbated by the
31 performance of a gender-altering procedure, whether or not the gender-

1 altering procedure was performed in accordance with state and federal
2 law; or

3 (iv) Any procedure undertaken because the individual suffers from a
4 physical disorder, physical injury, or physical illness that would, as
5 certified by the health care practitioner, place the individual in
6 imminent danger of death or impairment of major bodily function unless
7 surgery is performed;

8 (7) Genital gender-altering surgery means a medical procedure
9 performed for the purpose of assisting an individual with a gender
10 alteration, including without limitation:

11 (a) Surgical procedures such as penectomy, orchiectomy,
12 vaginoplasty, clitoroplasty, or vulvoplasty for biologically male
13 patients or hysterectomy or ovariectomy for biologically female patients;

14 (b) Reconstruction of the fixed part of the urethra with or without
15 a metoidioplasty; or

16 (c) Phalloplasty, vaginectomy, scrotoplasty, or implantation of
17 erection or testicular prostheses for biologically female patients;

18 (8) Health care practitioner means a person licensed or certified
19 under the Uniform Credentialing Act;

20 (9) Puberty-blocking drugs means gonadotropin-releasing hormone
21 analogues or other synthetic drugs used in biological males to stop
22 luteinizing hormone secretion and therefore testosterone secretion, or
23 synthetic drugs used in biological females which stop the production of
24 estrogens and progesterone, when used to delay or suppress pubertal
25 development in children for the purpose of assisting an individual with a
26 gender alteration; and

27 (10) Nongenital gender-altering surgery means medical procedures
28 performed for the purpose of assisting an individual with a gender
29 alteration, including without limitation:

30 (a) Surgical procedures for biologically male patients, such as
31 voice surgery or thyroid cartilage reduction; or

1 (b) Surgical procedures for biologically female patients, such as
2 subcutaneous mastectomy or voice surgery.

3 Sec. 17. (1) Except as provided in the Let Them Grow Act and the
4 rules and regulations adopted and promulgated pursuant to the act, a
5 health care practitioner shall not perform gender-altering procedures in
6 this state for an individual younger than nineteen years of age.

7 (2) The intentional and knowing performance of gender-altering
8 procedures by a health care practitioner for an individual younger than
9 nineteen years of age in violation of subsection (1) of this section
10 shall be considered unprofessional conduct as defined in section 38-179.

11 (3) This section does not apply to the continuation of treatment
12 using puberty-blocking drugs, cross-sex hormones, or both when the course
13 of treatment began before the operative date of this section.

14 (4) This section does not apply to nonsurgical gender-altering
15 procedures when such procedures are provided in compliance with the rules
16 and regulations adopted and promulgated pursuant to section 18 of this
17 act.

18 Sec. 18. (1) The chief medical officer as designated in section
19 81-3115 shall adopt and promulgate such rules and regulations as are
20 necessary to provide for nonsurgical gender-altering procedures for
21 individuals younger than nineteen years of age, such as puberty-blocking
22 drugs, cross-sex hormones, or both. Such rules and regulations shall be
23 consistent with the Let Them Grow Act and, at a minimum, include the
24 following:

25 (a) Specify that a health care practitioner may prescribe approved
26 puberty-blocking drugs, cross-sex hormones, or both to an individual
27 younger than nineteen years of age if such individual has a long-lasting
28 and intense pattern of gender nonconformity or gender dysphoria which
29 began or worsened at the start of puberty;

30 (b) Specific criteria, obligations, or conditions regulating the
31 administration, prescribing, delivery, sale, or use of puberty-blocking

1 drugs, cross-sex hormones, or both involving an individual younger than
2 nineteen years of age in accordance with subdivision (1)(a) of this
3 section, which shall, at a minimum, set forth the following:

4 (i) The minimum number of gender-identity-focused therapeutic hours
5 required prior to an individual receiving puberty-blocking drugs, cross-
6 sex hormones, or both;

7 (ii) Patient advisory requirements necessary for a health care
8 practitioner to obtain informed patient consent;

9 (iii) Patient medical record documentation requirements to ensure
10 compliance with the act; and

11 (iv) A minimum waiting period between the time the health care
12 practitioner obtains informed patient consent and the administration,
13 prescribing, or delivery of puberty-blocking drugs, cross-sex hormones,
14 or both to such patient; and

15 (c) Specify that section 17 of this act does not apply to
16 nonsurgical gender-altering procedures when such procedures are provided
17 in compliance with the rules and regulations adopted and promulgated
18 pursuant to this section.

19 (2) The Department of Health and Human Services may adopt and
20 promulgate rules and regulations not inconsistent with the rules and
21 regulations adopted and promulgated by the chief medical officer that are
22 necessary to carry out the Let Them Grow Act.

23 Sec. 19. State funds shall not be directly or indirectly used,
24 granted, paid, or distributed to any entity, organization, or individual
25 for providing gender-altering procedures to an individual younger than
26 nineteen years of age in violation of the Let Them Grow Act and the rules
27 and regulations adopted and promulgated pursuant to the act.

28 Sec. 20. An individual that received a gender-altering procedure in
29 violation of section 17 of this act after the operative date of this
30 section and while such individual was younger than nineteen years of age,
31 or the parent or guardian of such an individual, may bring a civil action

1 for appropriate relief against the health care practitioner who performed
2 the gender-altering procedure. Appropriate relief in an action under this
3 section includes actual damages and reasonable attorney's fees. An action
4 under this section shall be brought within two years after discovery of
5 damages.

6 Sec. 21. Sections 14, 15, 16, 17, 18, 19, and 20 of this act become
7 operative on October 1, 2023. The other sections of this act become
8 operative on their effective date.

9 Sec. 22. If any section in this act or any part of any section is
10 declared invalid or unconstitutional, the declaration shall not affect
11 the validity or constitutionality of the remaining portions.

12 Sec. 23. Original sections 38-192, 38-193, and 38-196, Reissue
13 Revised Statutes of Nebraska, and sections 38-178, 38-179, 38-2021, and
14 38-2894, Revised Statutes Cumulative Supplement, 2022, are repealed.

15 Sec. 24. Since an emergency exists, this act takes effect when
16 passed and approved according to law.