

February 26, 1979

LB 316

SENATOR FOWLER: I guess Senator Hoagland is talking to Senator DeCamp, I guess, about the same question. I think that there are three, okay, there are three issues in that second amendment. I have no objection to the first one.

SPEAKER MARVEL: Senator Chambers, we are talking about the second amendment.

SENATOR CHAMBERS: And as I understand it, the only thing that is to be taken from #2 is the part where the word "situation" is stricken.

SPEAKER MARVEL: That is my understanding.

SENATOR CHAMBERS: I would like to ask a question for the record. According to other amendments adopted earlier, there was a phrase "emergency situation". This obviously is distinct from that situation which was defined by that phrase "emergency situation", is that correct? What is an emergency that would justify this?

SENATOR DeCAMP: Senator Johnson is an expert on emergencies.

SENATOR CHAMBERS: Okay, I would like to address my question, Mr. Chairman, to Senator Johnson.

SENATOR JOHNSON: Senator Chambers, we are, frankly, taking care of the very problem that you raised on the floor of this Legislature last Tuesday. Let's see, I have got to go to page 5, line 7. Page 5, line 7 presently reads "No abortion shall be performed on any woman in the absence of an informed consent except that an abortion may be performed if in the best medical judgment of the physician an emergency situation presents imminent peril that substantially endangers the life of the woman". We are deleting the word "situation" so that it will just read that no abortion may be performed, I am sorry, it will read that an abortion may be performed if in the best medical judgment of the physician an emergency presents imminent peril. Now the reason we are doing that, Senator Chambers, is so that later on when we use in the next paragraph, I believe it is the next paragraph, the expression "emergency situation", that will be distinguished from "emergency" first described in the preceding paragraph.

SENATOR CHAMBERS: So then any medical situation which in the judgment of the attending physician creates that peril would be adequate justification for this particular provision to come into effect?