

support the bill motion and I would like to read to you a letter which I wrote to the Attorney General. "Dear Mr. Attorney General: The Legislature recently amended and advanced to debate File LB 466, a bill which is specifically designed to make it more difficult for a particular medical clinic in Omaha to provide abortion services. As I understand the bill, it has two central provisions. Section 1 of the bill as amended expands the definition of unprofessional conduct including the performance of a physician...to include the performance by a physician of an abortion where he or she will not be available for a period of at least 48 hours for postoperative care. As I understand it, no such postoperative care requirement is demanded for any other medical procedure, including all forms of surgery which entail as much or more danger to the physical or life of a patient. I question whether it is constitutional to single out abortions for such special treatment. The original version of the bill deemed it unprofessional to depart the medical community after performing surgery without being available for follow-up care with some of the same provisions. I have much less of a problem with a provision of that sort because no particular medical procedure is set out. I would be most interested in the opinions of your office on this matter. Section 2 apparently purports to exclude from the definition of health clinic found in subsection 4 which provides ten or more abortions per week. My concerns are the same. Is it constitutional to treat facilities differently which conduct ten or more abortions per week from facilities which for instance extract ten or more wisdom teeth per week, conduct ten or more plastic surgery operations per week, or perform ten or more wisdom teeth per week? Each of these procedures is approximately as life threatening as an abortion. How can it be constitutional to treat abortions differently? I would appreciate greatly your opinion on these questions. I will ask the Legislature to hold further action on the bill until we have received your opinion." Well, we now have received that opinion and it is unconstitutional. The various areas are set out. Mr. Clerk, would you please tell me the page number where this is listed in the Journal? 1404.

CLERK: Senator, are you referring to your request for an Attorney General's opinion?

SENATOR MARSH: Yes, You may read it in its entirety.

CLERK: 1404, Senator.

SENATOR MARSH: It follows that withdrawal of the exemption from a physician's office is only proper