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FLOOR DEBATE

January 17, 2006 LB 57

Senator Chambers to LB 57. (Visitors and doctor of the day introduced.) On with discussion, motion to reconsider. Senators wishing to speak, Senator Foley, Senator Chambers, Senator Landis. Senator Foley.

SENATOR FOLEY: Thank you, Mr. President. Senator Chambers, you need not be so formal as to call me Michael. We've known each other long enough now that you can just call me Mike. My mother used to call me Michael, and when she did that, I knew I was in serious trouble. But I do want to address some points that Senator Landis raised last week. He raised some interesting questions, and I promised him I'd get back on the record and talk about those issues a little bit, and if my responses are not adequate, we can go into it deeper, either today or whenever we can. But in any event, he raised, I think, three different points. One was the concept of consent, because the bill provides that any medical procedure performed with the consent of the mother would not be included. And he said, well, what about the case where the mother may not be able to give her consent, express consent? And that's a good question. I think the concept of medical consent is now so well established in medical practice that we need not address it legislatively, because it's an everyday occurrence in emergency rooms, where a patient is admitted, automobile accident being probably the best example, where that patient is not able to give express consent for a medical procedure. Yet the doctors don't sit around and twiddle their thumbs and say, well, gosh, I guess we can't treat this guy because he can't give his consent. No, they go forward with treatment. So the concept of implied consent is well established in medical practice, and that concept would apply in these instances, as well. Senator Landis also raised the question, well, what if the woman engages in certain conduct with another person and says, for example, to her boyfriend, go ahead, hit me with a baseball bat. You don't want to go there? Fine. We'll leave that one alone. Okay, very good, we'll leave that one alone. Maybe I didn't understand your question. The third question that I think Senator Landis raised was, could I think of an example where the mother was not harmed, was not assaulted, but the unborn child was...or did suffer serious bodily injury? Could there be such a case? And I think, yes, very...most definitely, there could be a case, and I don't think