

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 9, 2006

LB 57

issues, and I'd like to read you from a brief on a case in Kentucky that was filed against a woman whose baby was born with symptoms of drug abuse. The brief says: The question of which acts or omissions potentially causing harms to fetuses might be prosecuted under the criminal abuse statute is a pressing one, since for generations numerous common conditions of and activities by pregnant women had been identified, rightly or wrongly, as posing some threat to the health of their fetuses. For instance, today, to ensure optimal fetal development, pregnant women are urged to stop smoking entirely and immediately, to avoid contact with anyone who is smoking and who could thereby subject the fetus to contamination from secondhand smoke, to abstain from alcohol consumption except perhaps for a celebratory half glass of wine on a birthday or anniversary. Also in the name of fetal safety, pregnant women are further urged to refrain from changing a cat litter box--did you know that?--consuming unpasteurized cheese or undercooked meat, and gardening without gloves in order to avoid contracting toxoplasmosis, to have microwave ovens checked for radiation leakage because of talk that the microwave may be a modern menace, and to wear rubber gloves and avoid inhaling when using household cleansing products, in...

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: ...order to limit exposure to potentially harmful chemicals. Pregnant women are urged to take folic acid from the outset of pregnancy and before, to protect the fetus from neural tube defects. Pregnant women are also advised to ensure that their drinking water is free of lead, and to cut back on or give up caffeine. Gaining no less than 25 and no more than 35 pounds is now encouraged, as is regular but not too strenuous exercise. Pregnant women with certain medical histories are told to limit or avoid having sexual intercourse at all during pregnancy, and some physicians urge the use of condoms for all couples during the last eight months of pregnancy. The list is endless. I don't think we want to start down the road that the Beutler amendment would take us.

SENATOR CUDABACK: Thank you, Senator Schimek. Further discussion? Senator Flood.