March 9, 2006   LB 57

SENATOR FOLEY: Good, Senator Beutler, because I don't know much about the Ak-Sar-Ben problem.

SENATOR BEUTLER: Pardon?

SENATOR FOLEY: I don't know much about the Ak-Sar-Ben problem, so if you want to talk about something else, that would be fine.

SENATOR BEUTLER: Okay. I don't know much about that one either, so we're on the same track there. The part I wanted to talk about, though, was another exception to the rule. You know, you have this assault statute, three layers of it, and you except out the mother of the unborn child, and that's what we've been talking about so far. But you also have an exception for any medical procedure performed with the consent of the mother. A number of questions here, so we can get this on the record. I'm troubled by some vagueness in this area, and how it might pertain to doctors and nurses and emergency personnel. First of all, it says, any medical procedure. And so in the context of this debate, of course, our minds...our mind goes directly to abortion and that sort of procedure. But let's put that aside entirely, and let's say we're talking about a medical procedure that has to do with an automobile accident, for example. And it says, any medical procedure performed with the consent of the mother. All right. So let's say we have a mother who's severely injured, and the medical people want to know whether they can take care of this woman of childbearing age without incurring the possible liability of doing something that seriously damages the fetus, or unborn child. What does "consent" mean to you in that context? Would...?

SENATOR FOLEY: Well, Senator, it's been quite a number of weeks since we were on General File on this bill, but at...when we were on General File, we did have quite a bit of discussion about that question. Another senator raised it, and it is a good question. "Consent" could also mean implied consent.

SENATOR BEUTLER: So you intend for it to include implied consent?

10233