

AMENDMENTS TO LB 599

Introduced by McCoy

1           1. Insert the following new sections:

2           Sec. 2. Section 20-408, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           20-408 (1) A qualified patient may make decisions  
5 regarding life-sustaining treatment so long as the patient is able  
6 to do so.

7           (2) The Rights of the Terminally Ill Act shall not affect  
8 the responsibility of the attending physician or other health care  
9 provider to provide treatment, including nutrition and hydration,  
10 for a patient's comfort care or alleviation of pain.

11           (3) Life-sustaining treatment shall not be withheld or  
12 withdrawn pursuant to a declaration from an individual known to the  
13 attending physician to be pregnant so long as it is probable that  
14 the fetus unborn child will develop to the point of live birth with  
15 continued application of life-sustaining treatment.

16           Sec. 6. Section 71-4825, Revised Statutes Cumulative  
17 Supplement, 2010, is amended to read:

18           71-4825 For purposes of the Revised Uniform Anatomical  
19 Gift Act:

20           (1) Adult means an individual who is at least eighteen  
21 years of age;

22           (2) Agent means an individual:

23           (A) Authorized to make health care decisions on the

1 principal's behalf by a power of attorney for health care; or

2 (B) Expressly authorized to make an anatomical gift on  
3 the principal's behalf by any other record signed by the principal;

4 (3) Anatomical gift means a donation of all or part of a  
5 human body to take effect after the donor's death for the purpose  
6 of transplantation, therapy, research, or education;

7 (4) Decedent means a deceased individual whose body or  
8 part is or may be the source of an anatomical gift. The term  
9 includes a stillborn ~~infant~~ child and, subject to restrictions  
10 imposed by law other than the Revised Uniform Anatomical Gift Act,  
11 ~~a fetus, an unborn child.~~ The term decedent does not include a  
12 ~~blastocyst, embryo, or fetus~~ an unborn child that is the subject of  
13 an induced abortion;

14 (5) Disinterested witness means a witness other than  
15 the spouse, child, parent, sibling, grandchild, grandparent, or  
16 guardian of the individual who makes, amends, revokes, or refuses  
17 to make an anatomical gift, or another adult who exhibited special  
18 care and concern for the individual. The term does not include  
19 a person to which an anatomical gift could pass under section  
20 71-4834;

21 (6) Document of gift means a donor card or other record  
22 used to make an anatomical gift. The term includes a statement  
23 or symbol on a driver's license, identification card, or donor  
24 registry;

25 (7) Donor means an individual whose body or part is the  
26 subject of an anatomical gift;

27 (8) Donor registry means a data base that contains

1 records of anatomical gifts and amendments to or revocations of  
2 anatomical gifts;

3 (9) Driver's license means a license or permit issued by  
4 the Department of Motor Vehicles to operate a vehicle, whether or  
5 not conditions are attached to the license or permit;

6 (10) Eye bank means a person that is licensed,  
7 accredited, or regulated under federal or state law to engage  
8 in the recovery, screening, testing, processing, storage, or  
9 distribution of human eyes or portions of human eyes;

10 (11) Guardian means a person appointed by a court to  
11 make decisions regarding the support, care, education, health, or  
12 welfare of an individual. The term does not include a guardian ad  
13 litem;

14 (12) Hospital means a facility licensed as a hospital  
15 under the law of any state or a facility operated as a hospital by  
16 the United States, a state, or a subdivision of a state;

17 (13) Identification card means a state identification  
18 card issued by the Department of Motor Vehicles;

19 (14) Know means to have actual knowledge;

20 (15) Minor means an individual who is under eighteen  
21 years of age;

22 (16) Organ procurement organization means a person  
23 designated by the Secretary of the United States Department of  
24 Health and Human Services as an organ procurement organization;

25 (17) Parent means a parent whose parental rights have not  
26 been terminated;

27 (18) Part means an organ, an eye, or tissue of a human

1 being. The term does not include the whole body;

2 (19) Person means an individual, corporation, business  
3 trust, estate, trust, partnership, limited liability company,  
4 association, joint venture, public corporation, government or  
5 governmental subdivision, agency, or instrumentality, or any other  
6 legal or commercial entity;

7 (20) Physician means an individual authorized to practice  
8 medicine or osteopathy under the law of any state;

9 (21) Procurement organization means an eye bank, organ  
10 procurement organization, or tissue bank;

11 (22) Prospective donor means an individual who is dead or  
12 near death and has been determined by a procurement organization to  
13 have a part that could be medically suitable for transplantation,  
14 therapy, research, or education. The term does not include an  
15 individual who has made a refusal;

16 (23) Reasonably available means able to be contacted by a  
17 procurement organization without undue effort and willing and able  
18 to act in a timely manner consistent with existing medical criteria  
19 necessary for the making of an anatomical gift;

20 (24) Recipient means an individual into whose body a  
21 decedent's part has been or is intended to be transplanted;

22 (25) Record means information that is inscribed on a  
23 tangible medium or that is stored in an electronic or other medium  
24 and is retrievable in perceivable form;

25 (26) Refusal means a record created under section 71-4830  
26 that expressly states an intent to bar other persons from making an  
27 anatomical gift of an individual's body or part;

1           (27) Sign means, with the present intent to authenticate  
2 or adopt a record:

3           (A) To execute or adopt a tangible symbol; or

4           (B) To attach to or logically associate with the record  
5 an electronic symbol, sound, or process;

6           (28) State means a state of the United States, the  
7 District of Columbia, Puerto Rico, the United States Virgin  
8 Islands, or any territory or insular possession subject to the  
9 jurisdiction of the United States;

10          (29) Technician means an individual determined to be  
11 qualified to remove or process parts by an appropriate organization  
12 that is licensed, accredited, or regulated under federal or state  
13 law. The term includes an enucleator;

14          (30) Tissue means a portion of the human body other than  
15 an organ or an eye. The term does not include blood unless the  
16 blood is donated for the purpose of research or education;

17          (31) Tissue bank means a person that is licensed,  
18 accredited, or regulated under federal or state law to engage  
19 in the recovery, screening, testing, processing, storage, or  
20 distribution of tissue; and

21          (32) Transplant hospital means a hospital that furnishes  
22 organ transplants and other medical and surgical specialty services  
23 required for the care of transplant patients.

24          Sec. 7. Section 71-7606, Revised Statutes Supplement,  
25 2011, is amended to read:

26          71-7606 (1) The purpose of the Nebraska Health Care  
27 Funding Act is to provide for the use of dedicated revenue for

1 health-care-related expenditures and administration and enforcement  
2 of the Master Settlement Agreement as defined in section 69-2702.

3 (2) Any funds appropriated or distributed under the act  
4 shall not be considered ongoing entitlements or obligations on the  
5 part of the State of Nebraska and shall not be used to replace  
6 existing funding for existing programs.

7 (3) No funds appropriated or distributed under the act  
8 shall be used for abortion, abortion counseling, referral for  
9 abortion, or research or activity of any kind involving the use  
10 of ~~human fetal~~ tissue of an unborn child obtained in connection  
11 with the performance of an induced abortion or involving the use of  
12 ~~human embryonic~~ stem cells of an unborn child or for the purpose of  
13 obtaining other funding for such use.

14 (4) The Department of Health and Human Services shall  
15 report annually to the Legislature and the Governor regarding the  
16 use of funds appropriated under the act and the outcomes achieved  
17 from such use.

18 Sec. 8. Section 71-8802, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 71-8802 For purposes of the Stem Cell Research Act:

21 (1) Committee means the Stem Cell Research Advisory  
22 Committee;

23 (2) Human embryo means the developing ~~human organism~~  
24 unborn child from the time of fertilization until the end of  
25 the eighth week of gestation and includes ~~an embryo or a~~  
26 developing ~~human organism~~ unborn child created by somatic cell  
27 nuclear transfer; and

1                   (3) Somatic cell nuclear transfer means a technique in  
2                   which the nucleus of an oocyte is replaced with the nucleus of a  
3                   somatic cell.

4                   Sec. 9. Section 71-8806, Reissue Revised Statutes of  
5                   Nebraska, is amended to read:

6                   71-8806 No state facilities, no state funds, fees, or  
7                   charges, and no investment income on state funds shall be used to  
8                   destroy ~~human embryos~~ unborn children for the purpose of research.  
9                   In no case shall state facilities, state funds, fees, or charges,  
10                  or investment income on state funds be used to create a ~~human~~  
11                  ~~embryo~~ an unborn child by somatic cell nuclear transfer for any  
12                  purpose.

13                  2. Renumber the remaining sections and correct internal  
14                  references and the repealer section accordingly.