

AMENDMENTS TO LB990

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Fetal Dignity Protection Act.

5 Sec. 2. For purposes of the Fetal Dignity Protection Act:

6 (1) Human fetal tissue means tissue or cells obtained from a dead
7 human embryo or fetus after a spontaneous or induced abortion or after a
8 stillbirth; and

9 (2) Valuable consideration does not include reasonable payments
10 associated with the transportation, implantation, processing,
11 preservation, quality control, or storage of human fetal tissue.

12 Sec. 3. It shall be unlawful for any person acting within this
13 state to knowingly acquire, receive, or otherwise transfer any human
14 fetal tissue for valuable consideration.

15 Sec. 4. The Department of Health and Human Services shall adopt and
16 promulgate rules and regulations to require all facilities authorized to
17 perform any procedure that results in the recovery of human fetal tissue
18 to limit the disposition of the human fetal tissue to burial, cremation,
19 hospital-type incineration, or donation for research with the consent of
20 the woman involved in the procedure.

21 Sec. 5. Any person who performs any procedure that results in the
22 recovery of human fetal tissue in this state shall file monthly reports
23 with the Department of Health and Human Services as to the disposition of
24 the recovered human fetal tissue. Any corporation or other entity that
25 employs or engages as independent contractors one or more persons to
26 perform any procedure that results in the recovery of human fetal tissue
27 shall file monthly reports with the department as to the disposition of

1 human fetal tissue recovered in any procedure performed by all persons
2 employed or engaged as an independent contractor by such corporation or
3 entity. A person required to file a report under this section has an
4 affirmative duty to ensure that any report filed on his or her behalf is
5 accurate and complete. All reports under this section shall exclude the
6 name and all identifying information as to the woman involved in the
7 procedure that resulted in the recovery of human fetal tissue.

8 Sec. 6. The Department of Health and Human Services shall create a
9 form for reporting the disposition of human fetal tissue pursuant to
10 section 5 of this act. The department shall make all reports filed
11 pursuant to such section available for public inspection. The department
12 may adopt and promulgate rules and regulations as necessary to carry out
13 its responsibilities under the Fetal Dignity Protection Act.

14 Sec. 7. Failure to comply with the Fetal Dignity Protection Act is
15 a violation of the professional standards of any person holding a
16 professional license.

17 Sec. 8. The Attorney General may seek an injunction against any
18 person, corporation, or entity that has willfully and materially violated
19 the Fetal Dignity Protection Act. The injunction may prevent the
20 performance of any procedure that results in the recovery of human fetal
21 tissue.

22 Sec. 9. If any provision, word, phrase, or clause of the Fetal
23 Dignity Protection Act or the application thereof to any person or
24 circumstance is held invalid, such invalidity shall not affect the
25 provisions, words, phrases, clauses, or applications of the act which can
26 be given effect without the invalid provision, word, phrase, clause, or
27 application and to this end, the provisions, words, phrases, and clauses
28 of the act are declared to be severable.

29 Sec. 10. Section 38-2021, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 38-2021 Unprofessional conduct means any departure from or failure

1 to conform to the standards of acceptable and prevailing practice of
2 medicine and surgery or the ethics of the profession, regardless of
3 whether a person, patient, or entity is injured, or conduct that is
4 likely to deceive or defraud the public or is detrimental to the public
5 interest, including, but not limited to:

6 (1) Performance by a physician of an abortion as defined in
7 subdivision (1) of section 28-326 under circumstances when he or she will
8 not be available for a period of at least forty-eight hours for
9 postoperative care unless such postoperative care is delegated to and
10 accepted by another physician;

11 (2) Performing an abortion upon a minor without having satisfied the
12 requirements of sections 71-6901 to 71-6911;

13 (3) The intentional and knowing performance of a partial-birth
14 abortion as defined in subdivision (7) of section 28-326, unless such
15 procedure is necessary to save the life of the mother whose life is
16 endangered by a physical disorder, physical illness, or physical injury,
17 including a life-endangering physical condition caused by or arising from
18 the pregnancy itself;~~and~~

19 (4) Performance by a physician of an abortion in violation of the
20 Pain-Capable Unborn Child Protection Act; and -

21 (5) Violation by a physician of the Fetal Dignity Protection Act.

22 Sec. 11. Original section 38-2021, Revised Statutes Cumulative
23 Supplement, 2014, is repealed.