

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1036

Introduced by Morfeld, 46.

Read first time January 16, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to the age of majority; to amend section
2 43-2101, Revised Statutes Supplement, 2019; to allow persons
3 eighteen years of age and older to make health care decisions as
4 prescribed; to allow persons under nineteen years of age who are
5 committed to the Department of Correctional Services to consent to
6 mental health services, medical care, and related services as
7 prescribed; and to repeal the original section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-2101, Revised Statutes Supplement, 2019, is
2 amended to read:

3 43-2101 (1) All persons under nineteen years of age are declared to
4 be minors, but in case any person marries under the age of nineteen
5 years, his or her minority ends.

6 (2) Upon becoming the age of majority, a person is considered an
7 adult and acquires all rights and responsibilities granted or imposed by
8 statute or common law, except that a person:

9 (a) Eighteen years of age or older and who is not a ward of the
10 state may:

11 (i) Enter into a binding contract or lease of whatever kind or
12 nature and shall be legally responsible for such contract or lease,
13 including legal responsibility to third parties;

14 (ii) Execute, sign, authorize, or otherwise authenticate (A) an
15 effective financing statement, (B) a promissory note or other instrument
16 evidencing an obligation to repay, or (C) a mortgage, trust deed,
17 security agreement, financing statement, or other security instrument to
18 grant a lien or security interest in real or personal property or
19 fixtures, and shall be legally responsible for such document, including
20 legal responsibility to third parties; and

21 (iii) Acquire or convey title to real property and shall have legal
22 responsibility for such acquisition or conveyance, including legal
23 responsibility to third parties;~~and~~

24 (b) Eighteen years of age or older may consent to mental health
25 services for himself or herself without the consent of his or her parent
26 or guardian; ~~and~~

27 (c) Eighteen years of age or older may make health care decisions
28 for himself or herself without the consent of his or her parent or
29 guardian; and

30 (d) Under nineteen years of age and who is committed to the
31 Department of Correctional Services for secure care may consent to, and

1 make decisions regarding, such person's medical care, mental health
2 services, and related services during the period of the person's
3 commitment to the department without the consent of such person's parent
4 or guardian.

5 Sec. 2. Original section 43-2101, Revised Statutes Supplement,
6 2019, is repealed.