

# Nebraska Secretary of State

## Petition Sponsor Sworn Statement

**Petition:** Nebraska Human Life Protection

*(Brief description of petition for identification purposes)*

**Sponsor Name:** Robert W. Smith

**Street Address:** 4111 N. 60th Ave., Omaha, NE 68104

**Phone Number:** 402-547-8414 **Email:** Lerbsmith5310@gmail.com

**Sponsor Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Sponsor Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Sponsor Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_



*(Please attach copies of this page if there are more than four sponsors.)*

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF Lancaster )

I hereby swear that this is a complete list containing the names and street addresses of every person, corporation, or association sponsoring the aforementioned petition.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 27th day of March, 2023.  
(Day) (Month) (Year)

Robert W. Smith  
Signature of Sponsor

Subscribed in my presence and sworn to before me this 27th day of March, 2023.  
(Day) (Month) (Year)

by Robert W. Smith  
(Printed name of sponsor appearing before Notary)

(SEAL)



J. Beckmann  
Signature of Notary Public

RECEIVED

APR 06 2023

SECRETARY OF STATE

## FINAL LANGUAGE

**Object Statement:** An initiative to ban surgical and pharmaceutical abortions except when necessary to save the life of the mother.

### **Proposed Statutory Language:**

FOR AN ACT relating to abortion; to amend sections 28-101 and 38-2021, Revised Statutes Cumulative Supplement, 2022; to adopt Nebraska Human Life Protection Act; to provide for unprofessional conduct under the Medicine and Surgery Practice Act; to harmonize provisions; to provide severability; and to repeal the original sections.

**Be it enacted by the people of the State of Nebraska:**

**Section 1.** Section 28-101, Revised Statutes Cumulative Supplement, 2022, is amended to read:

28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701 and sections 2 to 8 of this act shall be known and may be cited as the Nebraska Criminal Code.

**Sec. 2.** Sections 2 to 8 of this act shall be known and may be cited as the Nebraska Human Life Protection Act.

**Sec. 3.** For purposes of the Nebraska Human Life Protection Act, unborn child means an individual living member of the species homo sapiens, throughout the embryonic and fetal stages of development from fertilization to full gestation and childbirth.

**Sec. 4. (1)** Notwithstanding any other provision of law, it shall be unlawful for any person to administer, prescribe, sell, or otherwise provide any medicine, drug, or other substance with the specific intent of causing or abetting the termination of the life of an unborn child.

**(2)** Notwithstanding any other provision of law, it shall be unlawful for any person to use or employ any instrument or procedure upon a pregnant woman with the specific intent of causing or abetting the termination of the life of an unborn child.

(3) The intentional and knowing violation of subsection (1) or (2) of this section is a Class IIA felony.

(4) No woman upon whom an abortion is performed or attempted shall be liable for a violation of this section.

**Sec. 5.** Nothing in the Nebraska Human Life Protection Act may be construed to prohibit the administration, prescription, or sale of a contraceptive measure, drug, or chemical if the contraceptive measure, drug, or chemical is administered, prescribed, or sold in accordance with manufacturer's instructions and is not administered, prescribed, or sold to cause or abet the termination of the life of an unborn child.

**Sec. 6.** Medical treatment provided to a pregnant woman by a licensed physician which results in accidental or unintentional injury or death to her unborn child shall not be a violation of section 4 of this act.

**Sec. 7.** In any prosecution of a licensed physician under section 4 of this act, it shall be an affirmative defense that it was necessary in reasonable medical judgment for the physician to perform the medical procedure to prevent the death of the pregnant woman, to prevent a substantial risk of death to the pregnant woman because of a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of the pregnant woman, and that the physician who performed such medical procedure made every reasonable effort under the circumstances to preserve both the life of the mother and the life of the unborn child in a manner consistent with reasonable medical practice.

**Sec. 8.** If any section, any part of any section, or any application of any section or part of any section of the Nebraska Human Life Protection Act to any person or circumstance is declared invalid or unconstitutional, the remaining portions of the act and the application of the act to any person or circumstance shall not be affected.

**Sec. 9.** Section 38-2021, Revised Statutes Cumulative Supplement, 2022, is amended to read:

Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of medicine and surgery or the ethics of the profession, regardless of whether a person, patient, or entity is

injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest, including, but not limited to:

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

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

(3) The intentional and knowing performance of a partial-birth abortion as defined in subdivision (8) of section 28-326, unless such procedure is necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself; ~~and~~

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

(5) Performance of an abortion in violation of the Nebraska Human Life Protection Act.

**Sec. 10.** Original sections 28-101 and 38-2021, Revised Statutes Cumulative Supplement, 2022, are repealed.

INITIATIVE PETITION

For Secretary of State Use Only

The object of this petition is to: (See reverse side for actual text of measure)

An initiative to ban surgical and pharmaceutical abortions except when necessary to save the life of the mother.

To the Honorable Robert Evnen, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of \_\_\_\_\_, respectfully demand that the following proposed law shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the 5th day of November 2024, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of \_\_\_\_\_ and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and my printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

WARNING TO PETITION SIGNERS-- VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not qualified to sign the petition shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

Table with 5 columns: DATE (mm/dd/yy), SIGNATURE, PRINTED NAME, DATE OF BIRTH, ADDRESS (Street Number & Name, City or Village, Zip Code). Rows numbered 1 to 20.

Not more than twenty signatures on one sheet shall be counted. Nebraska Revised Statute §32-1409

STATE OF NEBRASKA ) \_\_\_\_\_, (name of circulator) being first duly sworn, deposes and says that he or she is the circulator of this petition containing \_\_\_\_\_ signatures, that he or she is at least eighteen years of age, that each person whose name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer the object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

\_\_\_\_\_  
Circulator's Signature  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip

Subscribed and sworn to before me, a notary public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_, Nebraska.  
(City or village of notarial act.)

(Seal)

\_\_\_\_\_  
Notary Public's Signature

## **Proposed Statutory Language:**

(underscored language indicates added language, ~~strike-through~~ indicates language being removed)

### **A BILL**

**FOR AN ACT relating to abortion; to amend sections 28-101 and 38-2021, Revised Statutes Cumulative Supplement, 2022; to adopt Nebraska Human Life Protection Act; to provide for unprofessional conduct under the Medicine and Surgery Practice Act; to harmonize provisions; to provide severability; and to repeal the original sections.**

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**Sec. 4.** (1) Notwithstanding any other provision of law, it shall be unlawful for any person to administer, prescribe, sell, or otherwise provide any medicine, drug, or other substance with the specific intent of causing or abetting the termination of the life of an unborn child.

(2) Notwithstanding any other provision of law, it shall be unlawful for any person to use or employ any instrument or procedure upon a pregnant woman with the specific intent of causing or abetting the termination of the life of an unborn child.

(3) The intentional and knowing violation of subsection (1) or (2) of this section is a Class IIA felony.

(4) No woman upon whom an abortion is performed or attempted shall be liable for a violation of this section.

**Sec. 5.** Nothing in the Nebraska Human Life Protection Act may be construed to prohibit the administration, prescription, or sale of a contraceptive measure, drug, or chemical if the contraceptive measure, drug, or chemical is administered, prescribed, or sold in accordance with manufacturer's instructions and is not administered, prescribed, or sold to cause or abet the termination of the life of an unborn child.

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**Sec. 7.** In any prosecution of a licensed physician under section 4 of this act, it shall be an affirmative defense that it was necessary in reasonable medical judgment for the physician to perform the medical procedure to prevent the death of the pregnant woman, to prevent a substantial risk of death to the pregnant woman because of a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of the pregnant woman, and that the physician who performed such medical procedure made every reasonable effort under the circumstances to preserve both the life of the mother and the life of the unborn child in a manner consistent with reasonable medical practice.

**Sec. 8.** If any section, any part of any section, or any application of any section or part of any section of the Nebraska Human Life Protection Act to any person or circumstance is declared invalid or unconstitutional, the remaining portions of the act and the application of the act to any person or circumstance shall not be affected.

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(3) The intentional and knowing performance of a partial-birth abortion as defined in subdivision (8) of section 28-326, unless such procedure is necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself; ~~and~~

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