

Nebraska

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



● Abortion is banned after 12 weeks (last menstrual period) — availability: severely restricted.

GESTATIONAL LIMIT	12 weeks	AVAILABLE	Severely restricted	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	No
TELEHEALTH	Not allowed	WAITING PERIOD	24 hours	✓ RAPE / INCEST EXCEPTION	Yes	PARENTAL INVOLVEMENT	Consent one parent		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Nebraska bans abortion at 12 weeks LMP, with the ban enshrined in the state constitution since November 2024.

Neb. Const. Art. I, § 31 · Neb. Rev. Stat. § 71-6915 · Planned Parenthood of the Heartland v. Hilgers, 317 Neb. 217 (2024)

☒ Fetal personhood & the internal contradiction

Nebraska's law is internally contradictory regarding fetal personhood, though the contradictions are partially managed by express statutory exemptions. The wrongful-death statute (§ 30-809) defines 'person' to include 'an unborn child in utero at any stage of gestation' — meaning a fetus at conception has the legal standing of a person for civil damages purposes. The fetal-homicide laws (§§ 28-391 to 28-394) treat the killing of an unborn child as murder or manslaughter.

Neb. Rev. Stat. § 28-391(1) · Neb. Const. Art. I, § 31

MINORS

A minor under 18 must obtain notarized written consent from one parent or guardian, or obtain a judicial bypass, before an abortion can be performed.

SPOUSAL / PATERNAL RIGHTS

Nebraska has no statute on the books requiring spousal or paternal consent or notice for an abortion.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician — 12-week ban violation	Unlawful abortion under Preborn Child Protection Act (§ 71-6915)	Automatic license revocation under Uniform Credentialing Act (§ 38-193(2)). Not independently criminal (AG Opinion No. 2934).
Physician — 20-week ban violation	Intentional or reckless abortion after 20 weeks post-fertilization (§ 28-3,106)	Class IV felony: max 2 years imprisonment, \$10,000 fine, or both; no mandatory minimum (§ 28-105).
Physician — D&E ban violation	Intentional and knowing dismemberment abortion (§ 28-347)	Class IV felony: max 2 years imprisonment, \$10,000 fine (§ 28-347.04).
Physician — partial-birth abortion	Intentional and knowing partial-birth abortion (§ 28-328)	Class III felony: max 4 years imprisonment, \$25,000 fine; automatic license suspension and revocation (§ 28-328(2), (4)). Statute held unconstitutional in Stenberg v. Carhart (2000); federal 18 U.S.C.
Non-physician performing abortion	Performing abortion by person other than licensed physician (§ 28-335(1))	Class IV felony: max 2 years imprisonment, \$10,000 fine.

☒ Recent changes

Jul 2026	The Choose Life Now ballot initiative, which would have enacted a total abortion ban with fetal-personhood language, fails to submit the required number of signatures by the deadline.
Nov 2025	Governor Pillen signs Executive Order No.

- Nov 2024

Nebraska voters approve Initiative 434 (Protect Women and Children Constitutional Amendment), enshrining the 12-week abortion ban in Article I-31 of the state constitution, and reject Initiative 439, which would have created a constitutional right to abortion until viability.
- Oct 2024

DHHS issues Health Alert Network Advisory clarifying the Preborn Child Protection Act, confirming that no disciplinary action has been taken for violations in nearly two years, and emphasizing that the medical emergency exception does not require immediacy.
- Jul 2024

Nebraska Supreme Court upholds LB 574 against single-subject constitutional challenge in Planned Parenthood of the Heartland v. Hilgers, 317 Neb. 217.
- May 2023

Governor Jim Pillen signs LB 574, the Preborn Child Protection Act, banning abortion at 12 weeks gestational age. The ban takes effect immediately.
- Apr 2023

Nebraska Attorney General issues Opinion No.

⌵ Pending changes to watch

Protect Our Rights 2026 Ballot Initiative
Ballot measure · Petition circulation underway as of July 2026; signature deadline was July 3, 2026; status of qualification not yet confirmed in search results but campaign active as of late June 2026.
If qualified and approved, would amend the Nebraska Constitution to establish a fundamental right to abortion, potentially overriding the 12-week ban in Art. I-31.

LB 1109 — Fatal Fetal Anomaly Exception
Legislation · Introduced in the 2025-2026 legislative session; not yet enacted.
Would add a fatal fetal anomaly exception to the Preborn Child Protection Act, allowing abortion after 12 weeks when the fetus has a condition incompatible with life.

LB 632 — Abortion Remains Disposition Requirement
Legislation · Advanced through first round of debate in 2025 session; stalled as session ended; could be revived.
Would require health care facilities to dispose of remains from procedural abortions by cremation or burial. Imposes additional regulatory burden on abortion providers.

⌵ Key authorities

Nebraska Constitution Article I-31 Neb. Const. Art. I, § 31
Constitutional provision adopted November 2024 that enshrines the 12-week abortion ban with exceptions for medical emergency, rape, and incest.

Preborn Child Protection Act Neb. Rev. Stat. §§ 71-6914 to 71-6917
The primary operative gestational ban: prohibits abortion at 12 or more weeks with exceptions for medical emergency, sexual assault, and incest.

Informed Consent Law Neb. Rev. Stat. § 28-327
Comprehensive informed consent statute requiring 24-hour waiting period, state-scripted counseling, ultrasound protocols, and risk-factor evaluation.

Physician-Only and Physical-Presence Law Neb. Rev. Stat. § 28-335
Makes it a Class IV felony for anyone other than a licensed physician to perform an abortion and requires the physician to be physically present in the same room — the statute that bans telehealth for abortion.

D&E/Dismemberment Abortion Ban Neb. Rev. Stat. §§ 28-347 to 28-347.04
Method-specific ban on dilation and evacuation abortion at any stage of pregnancy, with medical emergency exception. Class IV felony.

Generated from the structured legal focused deep-research record for NE (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full Nebraska survey. This document has not been reviewed by a lawyer and should not be used as legal advice.