

KNOW YOUR RIGHTS: Abortion Access in Nebraska

Disclaimer: The information in this fact sheet is not legal advice.

For current information on the law, your legal rights and self-managed abortion, visit ReproLegalHelpline.org.

While abortion care is legal in Nebraska, some restrictions are in place. Here are key things to know regarding your rights to accessing abortion care in our state.

ACCESS



ABORTION
remains **LEGAL**
in **NEBRASKA**.

Is abortion legal in Nebraska?

Yes. In Nebraska, pregnant people have the right to have abortions up until 20 weeks post-fertilization (or 22 weeks after the pregnant person's last menstrual period). An abortion may be performed after 20 weeks post-fertilization only if the physician decides that it is necessary to preserve the life or health of the pregnant person.¹

What is an in-clinic abortion?

In-clinic abortions include suction abortion and dilation and evacuation (D&E) abortion, both of which are safe procedures to end a pregnancy. Suction abortion uses gentle suction to empty the uterus and can typically be performed up until 16 weeks gestation. D&E abortions can be performed after 16 weeks gestation and use suction and medical tools to empty the uterus. In Nebraska, D&E abortions are prohibited unless the pregnant person's health or life is at risk.²

For more information about in-clinic abortion, please refer to Planned Parenthood's [resource](#).



What is a medication abortion?

Medication abortion, also known as abortion pills, is a safe, FDA-approved method to end a pregnancy up until around 10 weeks gestation. The process requires individuals to take two medications, mifepristone and misoprostol. Those seeking medication abortion in Nebraska must make an appointment with a provider to take the first medication, mifepristone, in clinic. The provider will send the patient home with the second medication, misoprostol, along with instructions on how and when to take it.



How can I get a medication abortion (abortion pill)?

In Nebraska, individuals may seek a medication abortion from 5 weeks gestation up until 10 weeks and 6 days gestation. The process requires two different medications, mifepristone and misoprostol. In Nebraska, a pregnant person cannot obtain a medication abortion using telehealth. They must make an appointment with an abortion care provider and take the first pill, mifepristone, at the clinic and in the presence of a licensed physician.³ The health care provider will then provide the patient with the second medication, misoprostol, to take 24 to 48 hours after the in-clinic visit. The patient does not need to be in-clinic to take the second medication.

For more information about medication abortion, please refer to Planned Parenthood's [resource](#). If you would like to learn about self-managed abortion, check out [Abortion On Our Own Terms](#) and [Abortion Pill Info](#). Please note that the self-managed abortion process can differ from the in-clinic medication abortion process in that only misoprostol is needed.



Advocacy for abortion access aligns with the Women's Fund values of: **Equity, Bold Impact, Collaboration, Community Voice, Intersectionality and Bodily Autonomy**. To learn more about our mission, vision and values, visit www.OmahaWomensFund.org.

Where can I get abortion care in Nebraska?

There are currently two abortion service providers in Nebraska that provide care at three locations.

Clinics for Abortion and Reproductive Excellence (CARE)
1002 W Mission Ave.
Bellevue, NE 68005
(402) 291-4797

Planned Parenthood Northwest Health Center
3105 N 93rd St.
Omaha, NE 68134
(877) 859-0589

Planned Parenthood Lincoln South Health Center
5631 S 48th St.
Lincoln, NE 68516
(877) 859-0587

No hospital, clinic, institution, other facility or person in Nebraska is required to perform an abortion on a patient. However, they should inform any patient seeking an abortion of their policy not to participate in providing abortion care.⁴

Who may perform an abortion in Nebraska?

Only licensed physicians can provide in-clinic abortion services in Nebraska.⁵ It is a Class IV Felony for anyone other than a licensed physician to perform an abortion or provide abortion care in Nebraska.



If you or someone you know is interested in learning more about self-managed abortion, see [Abortion On Our Own Terms](#) and [Abortion Pill Info](#) for more information.

What is informed consent?

The health care provider will communicate and review all health care options with the patient along with associated risks, at which point the patient will have the opportunity to ask questions about any of the information and decide to either accept or deny the treatment.

Are people seeking abortions required to hear additional information before obtaining abortion care?

A patient seeking abortion care is required to receive “state-directed counseling” from the abortion care provider at least 24 hours prior to receiving an abortion over the phone or in-person. The pregnant person must certify in writing that this information was provided to them. It is important to note that this required counseling is not grounded in medicine and is a restrictive measure added to health care by anti-abortion lawmakers with the intent to discourage and dissuade patients from getting the care they seek.

FINANCES & INSURANCE

What if I need help paying for an abortion or relevant expenses?

[National Network of Abortion Funds](#) offers a list of resources and organizations that can provide people seeking abortion care in Nebraska with financial and logistical assistance. Locally, [Nebraska Abortion Resources](#) offers financial support for those seeking abortion care; this support can include paying for part of the procedure cost as well as associated costs such as travel, lodging or child care.



How much does abortion care cost?

The cost of abortion services varies at different health clinics. Please consult with individual clinics and providers.

Will my insurance cover the cost of my abortion care?

No health insurance plan, private or public, in Nebraska can provide coverage for an abortion other than in the case of a “spontaneous abortion” (also known as a miscarriage) or an abortion that is performed to save the life of the pregnant person.⁶

Nebraska Medicaid and Indian Health Services cover abortions when the life of the pregnant person would be endangered and in cases of rape or incest. Medicaid providers must seek prior authorization for abortion care.

Special circumstances may apply, for example, private insurers may provide an optional rider to the insurance policy for an additional premium paid solely by the pregnant person, or some individuals in Nebraska who work for organizations that have locations in multiple states may be eligible to have their abortions covered through the insurance policy. Consult with your insurance provider to learn more.

MINORS

For additional information about the judicial bypass process, refer to ACLU of Nebraska's [Know Your Rights: Young Nebraskans Seeking an Abortion](#) resource.

Can minors (youth under the age of 18) currently get an abortion in Nebraska?

Yes. However, a pregnant person under the age of 18 must obtain the notarized written consent of one parent or legal guardian.⁷ In cases of parental abuse or neglect, a grandparent of the minor's choosing may provide a notarized written consent to the physician in lieu of a parent. Additionally, parental consent is not required if the physician determines that there is a medical emergency and there is insufficient time to obtain consent.

Generally, if a minor is unable or chooses not to receive consent from their parent or guardian, the courts may grant an exception, also known as a "judicial bypass."

I can't or don't want to get parental consent. How does judicial bypass work?

Obtaining a judicial bypass can be a lengthy process, so it is recommended to begin the process as soon as possible. Get guidance from the ACLU of Nebraska's [Know Your Rights: Young Nebraskans Seeking an Abortion](#) resource on how to start the judicial bypass process, what happens at the hearing and more.

What happens if a judge doesn't approve my request for a parental consent waiver?

An individual has the right to appeal a court's decision not to grant them a judicial bypass. To appeal the decision, the individual must file a [Notice of Appeal](#). The form along with instructions on how to fill it out are made available online and at courthouses. For additional information about the appeals process, see the ACLU of Nebraska's [Know Your Rights: Young Nebraskans Seeking an Abortion](#) resource or [contact their network of attorneys](#).

An individual may also opt to travel to a state without parental consent requirements to receive abortion care. For more information about states that do not require parental consent or notification to receive abortion care, refer to Planned Parenthood's [Parental Consent and Notification Laws](#) resource.



Will my parent or guardian find out I'm trying to get an abortion through the judicial bypass process?

No, the judicial bypass process is confidential. The pregnant person may use a fake name or their initials when filing the petition. Only the pregnant person, their guardian ad litem (if one is appointed), their attorney or anyone else they've specifically requested can attend the hearing. All documents from the process are sealed.

While the judicial bypass process itself is confidential, it is important to note that there may be a risk of someone recognizing you at the courthouse.

JAILS & PRISONS

Do I have the right to have an abortion if I am incarcerated in jail or prison?

Because there is no longer a federal right to abortion, it is unclear if pregnant people have the same right to abortion when incarcerated in Nebraska. If you or someone you know needs assistance, contact the [ACLU of Nebraska](#) and their network of attorneys.

¹ Nebraska Revised Statute 28-329 <https://nebraskalegislature.gov/laws/statutes.php?statute=28-329>, 28-3,106 <https://nebraskalegislature.gov/laws/statutes.php?statute=28-3,106>

² Nebraska Revised Statute 28-347 <https://nebraskalegislature.gov/laws/statutes.php?statute=28-347.02>

³ Nebraska Revised Statute 28-335 <https://nebraskalegislature.gov/laws/statutes.php?statute=28-335>

⁴ Nebraska Revised Statute 28-337, 338 <https://nebraskalegislature.gov/laws/statutes.php?statute=28-337>

⁵ Nebraska Revised Statute 28-335 <https://nebraskalegislature.gov/laws/statutes.php?statute=28-335>

⁶ Nebraska Revised Statute 28-337, 338 <https://nebraskalegislature.gov/laws/statutes.php?statute=28-337>

⁷ Nebraska Revised Statute 71-6902 <https://nebraskalegislature.gov/laws/statutes.php?statute=71-6902>