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## An Examination of Nebraska's Law Setting the Age of Majority at Nineteen

Lauren McNeal

*University of Nebraska - Lincoln*

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An Examination of Nebraska's Law Setting the Age of Majority at Nineteen.

An Undergraduate Honors Thesis Submitted in Partial Fulfillment of University Honors Program  
Requirements University of Nebraska-Lincoln and in Distinction for the College of Arts and  
Sciences

University of Nebraska

by

Lauren McNeal, BA

Political Science, Spanish, Psychology

College of Arts and Sciences

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Faculty Mentors:

John Gruhl, PhD, Political Science

Kevin Smith, PhD, Political Science

## **Abstract**

My proposed research covers the actions of the Nebraska legislature surrounding the age of majority. During the summer of 2019, I interned with Senator Adam Morfeld to draft a bill lowering the age of majority in Nebraska from nineteen to eighteen for healthcare services. Many eighteen-year-olds, especially students, face complications when they seek healthcare services but need parental consent. This is because young adults tend to move away from their homes at this age but are still not considered independent from their parents under Nebraska state law. In this thesis, I use the information I gathered from my interim research at my internship. I focus on the age of majority differences between Nebraska and other states and I evaluate how this affects other states' policies. In addition, I examine previous attempts in Nebraska to lower the age of majority and why they have not been successfully passed. Furthermore, I report on the testimonies that were given at the Age of Majority for Healthcare Decisions Forum that I organized with Senator Adam Morfeld and the Association of Students of the University of Nebraska (ASUN).

### **Dedication**

I would like to express my appreciation to Dr. John Gruhl, who has been an invaluable source of advice and guidance throughout this process. I would also like to show gratitude to Adam Morfeld for giving me the opportunity to intern at the Nebraska State Capitol and Julia Holmquist for overseeing my research. Finally, I would like to thank my parents for giving me the support that I needed while I worked on this project for the last several months.

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## *Introduction*

In the winter of 2018, I approached Senator Morfeld with an idea to lower the age of majority for healthcare services in Nebraska. I came up with this bill idea while I was a member of the Government Liaison Committee in ASUN during the 2018-2019 academic year. I was inspired to create this bill because I had seen many students at the University of Nebraska-Lincoln have troubles at the University Health Center when they were eighteen and could not get ahold of their parents. Additionally, this law affected me when I was a freshman in college because I had to delay getting treated for an illness. This was because my parents were busy working when I tried to call them to acquire their consent. I chose to go to Senator Morfeld with this idea because he had worked with students from ASUN in the past to lower the age of majority to eighteen for individuals seeking mental health services. He expressed interest in this bill idea and offered me an internship at the Nebraska State Capitol for the summer and fall of 2019.

In the beginning of my internship, I helped create the proposal for interim research on lowering the age of majority for healthcare services. Then, I spent the summer researching the history behind laws surrounding the age of adulthood, past attempts to lower the age of majority in Nebraska, and how the laws in other states surrounding the age of majority compare to Nebraska's laws. I also met with representatives from the ACLU to discuss various aspects of this bill and assisted Senator Morfeld's staff with numerous tasks. In the fall, I continued to gather research for this bill at the Nebraska State Capitol and I also organized an event called the "Age of Majority Forum." I invited individuals who had been affected by the Nebraska age of majority law to the forum, which included students from the University of Nebraska-Lincoln, students from Nebraska Wesleyan University, and staff from the UNL Health Center. Senator

Morfeld and I led this forum and gathered a plethora of testimonies on the negative effects that this law has on eighteen-year-olds in Nebraska. After analyzing the research that I have conducted on this bill, I have concluded that lowering the Nebraska age of majority from nineteen to eighteen for healthcare services would improve the lives of young adults across Nebraska.

### ***What is the Age of Majority?***

The common definition of the age of majority is “the age at which, by law, a person is entitled to the management of his own affairs and to the enjoyment of civic rights.”<sup>1</sup> However, the age of majority is sometimes also understood as the “age of emancipation.”<sup>2</sup> This occurs when the parents or guardians of a child relinquish their right to the care, custody, and earnings of the minor.<sup>3</sup> Every state in the United States has their own legal age of majority, most of which are eighteen. However, the age of majority in Nebraska is nineteen.

### ***History of the Age of Majority***

Many societies over the ages have created their own form of an age of adulthood in order to signify an adolescent becoming a legal adult. Historically, many governments have deemed military service sufficient for becoming a legal adult.<sup>4</sup> In ancient Greece, the military-centered Spartans considered their age of majority to be thirty-one.<sup>5</sup> In Athens, a young male was considered an adult when he turned eighteen, and he could become part of the Assembly at twenty.<sup>6</sup> However, a male Athenian was not allowed to serve on a jury until he was thirty.<sup>7</sup> In ancient Rome, a young man could become an adult by joining the military, or he could wait until

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<sup>1</sup> “Age of Majority,” Cook.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

he turned twenty-five to become a legal adult.<sup>8</sup> In early England, the age of majority was originally eleven until heavy armor became part of their military uniform.<sup>9</sup> Then, in 1620, the age of adulthood in England was raised to twenty-one.<sup>10</sup>

England kept their age of majority at twenty-one for centuries. This English common law became so influential that it came to affect the United States' age of majority law.<sup>11</sup> The American colonies decided to set their age of majority at twenty-one and it remained unchanged for the bulk of American history.<sup>12</sup> However, the age of conscription for the draft was lowered to eighteen due to a need for more soldiers in 1942, and this would eventually lead to the age of majority being lowered to eighteen in the U.S. as well.<sup>13</sup> In 1971, Congress finally passed the Twenty-Sixth Amendment, which lowered the legal voting age to eighteen in state and federal elections.<sup>14</sup> Once the voting age was lowered, many states began to follow this precedent and drop their age of adulthood to eighteen.<sup>15</sup> Now, eighteen is the near universal age of majority across the United States.<sup>16</sup>

### ***Age of Majority Exceptions Across the Board***

In every state in the U.S., there are a few laws that are exempt from the age of majority. One of these areas is the ability to give sexual consent. At this point in time, seven states have their age of sexual consent set at eighteen and four states have their age set at fourteen.<sup>17</sup>

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> "Adulthood in Law and Culture," Hamilton.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

However, the majority of states in the U.S. have set the age of sexual consent at sixteen,<sup>18</sup> including Nebraska.<sup>19</sup>

Another exception to the age of majority law is the age at which adolescents can drive. Every state in the U.S. has a legal driving age younger than eighteen. Most states, like Nebraska, have a driving age of sixteen, while a few others have the driving age set at fourteen or fifteen.<sup>20</sup> New Jersey is the only state that has a legal driving age of seventeen.<sup>21</sup>

The right to purchase, possess, and consume alcohol is twenty-one in every state. The drinking age in the United States was originally twenty-one, but once the Twenty-Sixth Amendment was passed in 1971 to lower the voting age to eighteen, many states began to lower their legal drinking ages.<sup>22</sup> Thirty U.S. states lowered their drinking age to eighteen, nineteen, or twenty after 1971, and only fourteen states had a drinking age of twenty-one by 1982.<sup>23</sup> Nevertheless, the legal age of drinking was raised across the nation to twenty-one with the National Minimum Drinking Age Act of 1984.<sup>24</sup>

Finally, the Dependent Coverage Mandate of the Affordable Care Act allowed young adults between the ages of eighteen and twenty-five to stay covered as dependents on their parents' health insurance plans.<sup>25</sup> In 2010, one in three young adults were not covered by health insurance, but by the end of 2011, 6.6 million young adults were added to their parents' health insurance.<sup>26</sup>

### ***Age of Majority Laws in States Surrounding Nebraska***

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<sup>18</sup> Ibid.

<sup>19</sup> "Nebraska Age of Consent Laws 2019," Age of Consent.

<sup>20</sup> "Adulthood in Law and Culture," Hamilton.

<sup>21</sup> Ibid.

<sup>22</sup> "State History of MLDA 21," ProCon.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> "Adulthood in Law and Culture," Hamilton.

<sup>26</sup> Ibid.

Compared to every state that surrounds Nebraska, Nebraska is the outlier when it comes to the age of majority. Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming all have an age of adulthood of eighteen, and some still have exceptions for what minors under eighteen can consent to.

In Colorado, eighteen-year-olds have full legal rights as an adult. Minors who are either married or fifteen-years-old or older and living separately from their parents while financially supporting themselves are able to consent to a wide array of healthcare treatment.<sup>27</sup> These rights include signing up for the military without parental consent, making decisions that involve his or her own body, consenting to medical treatment, and signing a legal contract.<sup>28</sup> Additionally, there are carve-outs that allow minors to consent to certain services. For example, minors of any age are allowed to consent to family planning services funded by Title X.<sup>29</sup> This includes contraceptives, STI testing, breast exams, and pelvic exams.<sup>30</sup> Minors of any age can also consent to prenatal and postnatal care, abortion, sexual assault treatment, and alcohol or drug abuse treatment.<sup>31</sup> Furthermore, minors who are fifteen-years-old or older can consent to mental health services.<sup>32</sup>

Iowa is comparable to Colorado in that they both allow minors to consent to substance abuse treatment and contraceptive care and counseling.<sup>33</sup> However, if a minor is dependent on his or her parent's medical insurance and uses it for medical services, he or she will need to

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<sup>27</sup> C. Rev. Stat. § 13-22-103

<sup>28</sup> "List of Laws," Colorado Judicial Branch.

<sup>29</sup> "Understanding Minor Consent and Confidentiality in Colorado: An Adolescent Provider Toolkit." Colorado Association for School-Based Health Care.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> "Adolescents & the Iowa Law," Iowa Department of Public Health.

consent to that information being shared with their parents.<sup>34</sup> Minors can also consent to HIV testing, but if they test positive, their parents will be notified.<sup>35</sup>

In Kansas, minors who are sixteen-years-old or older are able to consent to medical treatment, surgical treatment, or medical procedures if they do not have a parent or guardian who is immediately accessible.<sup>36</sup> Minors who are experiencing drug abuse can also be treated without the consent of the parents.<sup>37</sup> In Kansas, minors can be tested for STIs without the consent of their parents, but if a health professional believes that it would be beneficial for the parents of the minor to know about, medical professionals are legally allowed to contact the parents without the consent of the minor.<sup>38</sup> Additionally, parental consent is not required when treating a child who is an alleged victim of abuse.<sup>39</sup> Another carve-out to the Kansas age of majority law is that a minor who is an alleged victim of a sex crime can consent to medical services without parental permission for criminal evidence, but it is required that parents are notified by medical professionals of this treatment.<sup>40</sup> Similar to Nebraska, mature minors in the state of Kansas may consent for themselves to receive inpatient mental health services.<sup>41</sup>

In Missouri, a minor may receive medical care without parental consent if they meet four requirements. They must be sixteen or seventeen-years-old, they must be homeless or a victim of domestic violence, they must be supporting themselves financially and physically without the assistance of a parent or guardian, and they must have their parents' implied or explicit consent to be living independently.<sup>42</sup> Like most other states, minors in Missouri can consent in an

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Kan. Stat. Ann. § 38-123b

<sup>37</sup> "Know Your Rights," Topeka Public Schools.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Mo. Rev. Stat. § 431.056

emergency situation where their parents or guardians are not instantly available,<sup>43</sup> when they are married, when the minor seeks substance abuse treatment, STI testing, prenatal care,<sup>44</sup> or post sexual assault treatment.<sup>45</sup>

Similar to the other states surrounding Nebraska, there is an age of majority carve-out for minors in South Dakota where minors can consent for themselves in emergency medical situations if their parent or guardian is not immediately available and delaying treatment would worsen the minor's health.<sup>46</sup> Additionally, minors can request treatment of sexually transmitted infections without the consent of their parents,<sup>47</sup> and they can consent to donate blood if they are seventeen-years-old or older.<sup>48</sup> According to Edwin E. Evans, as of April 2012, more jurisdictions have begun to approach cases that involve minors with a "mature minor" exception. In these cases, jurisdictions use this maturity standard by presuming that some minors between the ages of fourteen and eighteen possess the autonomy to authorize their own medical treatment. However, this exception has not been adopted by the South Dakota Legislature or the South Dakota Courts.<sup>49</sup>

In the state of Wyoming, a minor can consent to his or her own healthcare treatment if he or she is no longer living with a parent or guardian and are taking care of his or her own matters.<sup>50</sup> However, the minor's source of income does not affect their ability to consent.<sup>51</sup> Additionally, minors can consent to healthcare if they meet one or more of the following requirements: if they are married, if they are an active military member, if their parents are not

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<sup>43</sup> Mo. Rev. Stat. § 431.063

<sup>44</sup> Mo. Rev. Stat. § 431.061

<sup>45</sup> Mo. Rev. Stat. § 191.225

<sup>46</sup> SD. Cl. § 20-9-4.2.

<sup>47</sup> SD. Cl. § 34-23-16

<sup>48</sup> SD. Cl. § 26-2-7

<sup>49</sup> "Summary of Minor Consent Laws in South Dakota," Evans.

<sup>50</sup> Wyo. Stat. § 14-1-101

<sup>51</sup> *Ibid.*

available to consent in an emergency situation, if the minor is emancipated, or if “the minor is twelve (12) years of age or older, is a smoker or user of tobacco products and the healthcare to which the minor consents is a tobacco cessation program approved by the department of health pursuant to W.S. 9-4-1204.”<sup>52</sup>

### ***States with an Age of Majority Older than Eighteen***

Mississippi is one of two other states in the U.S. that has an age of majority above eighteen. Currently, the age of majority in Mississippi is twenty-one.<sup>53</sup> One exemption to this state’s age of majority law is that eighteen is the age of majority for an “executor, executrix, administrator or administratrix.”<sup>54</sup> Additionally, eighteen-year-olds in Mississippi can sign legal contracts, legally sue other individuals, and be sued.<sup>55</sup> Eighteen-year-olds can also possess a license to carry a stun gun, concealed pistol or revolver as long as they are a member of the military, have a valid Mississippi driver’s license, or have an identification card given to them by the Department of Public Safety.<sup>56</sup> Furthermore, eighteen-year-olds are legally allowed to drink light wine or beer in front of their parents with their permission, or, if they are in the military, they can legally drink these products on military property where drinking light wine or beer is allowed.<sup>57</sup> On the topic of healthcare, individuals who are fifteen years old or older are able to pursue medical treatment for mental or emotional problems related to alcohol or drug abuse without parental consent.<sup>58</sup>

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<sup>52</sup> Ibid.

<sup>53</sup> Miss. Code Ann. § 1-3-27

<sup>54</sup> Miss. Code Ann. § 91-7-37

<sup>55</sup> Miss. Code Ann. § 93-19-13

<sup>56</sup> Miss. Code Ann. § 45-9-101

<sup>57</sup> Miss. Code Ann. § 67-3-54

<sup>58</sup> Miss. Code Ann. § 41-41-14

Alabama is the other state in the United States that has an age of majority older than eighteen. Identical to Nebraska, this state's age of majority is nineteen.<sup>59</sup> However, a minor in Alabama who is fourteen-years-old or older can legally consent for their own medical care, dental care, or mental health treatment.<sup>60</sup> Additionally, any minor who is married, divorced, or has children can give consent for medical care, dental care, or mental health services for themselves or their children.<sup>61</sup> Moreover, any minor can consent to seek medical services that detect pregnancy, venereal diseases, drug dependency, or alcohol dependency.<sup>62</sup> Finally, any minor who is fourteen-years-old or older can donate bone marrow without the consent of his or her parent in Alabama.<sup>63</sup>

### ***Nebraska Age of Majority Laws***

In Nebraska, the age of majority is nineteen, but there are some legal areas where eighteen-year-olds are given the same rights as an adult.<sup>64</sup> One example is that eighteen-year-olds can apply for credit in their name. They can also file a lawsuit, enlist in the military, own a rifle or shotgun, vote, make a will,<sup>65</sup> and consent to mental health services.<sup>66</sup> Furthermore, they can sign binding legal contracts and be held personally responsible for those contracts.<sup>67</sup> Medically speaking, any minor can receive emergency medical care and STI testing without parental consent in Nebraska.<sup>68</sup> Additionally, seventeen-year-olds and eighteen-year-olds can consent to donating blood, but they cannot donate blood for compensation without the

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<sup>59</sup> Ala. Code § 26-1-1

<sup>60</sup> Ala. Code § 22-8-4

<sup>61</sup> Ala. Code § 22-8-5

<sup>62</sup> Ala. Code § 22-8-6

<sup>63</sup> Ala. Code § 22-8-9

<sup>64</sup> "Reaching the Age of Majority: Legal Rights & Responsibilities of Adults." The Nebraska State Bar Association.

<sup>65</sup> Ibid.

<sup>66</sup> Neb. Rev. Stat. § 43-2101

<sup>67</sup> "Reaching the Age of Majority: Legal Rights & Responsibilities of Adults." The Nebraska State Bar Association.

<sup>68</sup> Ibid.

permission of their parent or guardian.<sup>69</sup> When an individual in Nebraska turns nineteen, they become a legal adult and gain more legal rights. At nineteen, Nebraskans can consent to medical care, serve on a jury, consent to marriage, become legally independent from their parents, and become financially self-supporting.<sup>70</sup>

### *Attempts to Lower the Nebraska Age of Majority*

In 1969, Senator Elvin Adamson introduced LB 167 to lower the age of majority in Nebraska from twenty-one to twenty.<sup>71</sup> Senator Adamson's reasoning behind this bill was that adults who were twenty-years-old were either in college or in the workforce, so they were able to experience how laws and economic conditions affected them.<sup>72</sup> Therefore, they were mature enough to be a legal adult in Nebraska when they turned twenty. Senator Adamson was uncomfortable with making the age of majority eighteen because those young adults still could have been in high school at that age and would not have a realistic view of life. He was, however, willing to discuss the possibility of lowering the age of majority to nineteen.<sup>73</sup> He was in favor of having an age of majority of twenty because he believed there was a noticeable difference in maturity between a nineteen and a twenty-year-old.<sup>74</sup> Contrastingly, Governor Tiemann wanted to pass the bill out of Committee at eighteen because he felt that it would help eighteen-year-old individuals assume more civic responsibility.<sup>75</sup> The bill ended up passing out of Committee at nineteen, but it faced arguments against that age of majority in the Floor Debate. In the Floor Debate, Senator Adamson suggested that the bill be amended back to twenty.<sup>76</sup> That

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Chronology of Bills, 1969.

<sup>72</sup> Judiciary Committee Hearing on LB 167, February 4, 1969.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Floor Debate on LB 167, February 18, 1969.

way, the Legislature could see how well twenty-year-old individuals assumed responsibility, and if it worked well, the Legislature could lower the age of majority to nineteen at a future date.<sup>77</sup>

After much debate between an age of majority of either nineteen or twenty, the Nebraska Legislature decided to set the age of adulthood at twenty.<sup>78</sup>

In 1972, Senator Gerald Stromer introduced LB 1086 with the intent of lowering the Nebraska age of adulthood from twenty to eighteen.<sup>79</sup> The reason he created this bill was to make suffrage and criminal code consistent with civil laws.<sup>80</sup> The Twenty-Sixth Amendment, which granted suffrage, had just been passed, and Nebraska criminal law allowed eighteen-year-olds to be prosecuted in adult court, rather than in juvenile court.<sup>81</sup> Additionally, Senator Stromer believed that if we gave eighteen-year-olds the legal responsibilities of an adult, it would further credit their responsibilities as employees.<sup>82</sup> Furthermore, he believed that Nebraska needed to lower the age of majority to eighteen to follow suit with what many other states in the U.S. were doing at that time.<sup>83</sup> Overall, Senator Stromer believed that if an individual was old enough to vote and fight for his or her country, then he or she should be given the legal responsibilities of an adult.<sup>84</sup> There were a few arguments against the age of majority being eighteen, and one of them was the danger of loan sharks taking advantage of eighteen-year-olds and their finances.<sup>85</sup> Additionally, the senators were worried about allowing eighteen-year-olds in high school to legally consume alcohol.<sup>86</sup> In general, the senators did not believe that an eighteen-year-old had

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<sup>77</sup> Ibid.

<sup>78</sup> Neb. c. 298 § 1

<sup>79</sup> Judiciary Committee Hearing on LB 1086, January 31, 1972.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

enough life experience to take on the legal responsibilities of an adult.<sup>87</sup> This bill was amended and it passed out of Committee with an age of majority of nineteen instead of eighteen.<sup>88</sup> After some debate between setting the age of majority at eighteen or nineteen in the Floor Debate,<sup>89</sup> the Nebraska Legislature decided to set the age of adulthood at nineteen.<sup>90</sup>

In 2003, LB 391 was introduced by Senator Ed Schrock<sup>91</sup> to lower the age of majority for eighteen-year-olds seeking housing.<sup>92</sup> This was due to the growing concern of adolescents who were living on the streets and could not contract for housing.<sup>93</sup> Even though eighteen-year-olds were legally able to contract for necessities of life since 1985, landlords did not always want to take the risk of renting to them. This resulted in landlords turning eighteen-year-olds away from housing because the landlords risked the minors not being financially responsible and not being legally accountable.<sup>94</sup> LB 391 would have made the eighteen-year-olds legally accountable so landlords would have been more willing to rent to them.<sup>95</sup> This bill was not passed due to opposition believing that it would give eighteen-year-olds a greater chance of falling through the cracks in their transition to adulthood.<sup>96</sup>

In 2010, Senator Kent Rogert attempted to create a bill that would completely lower the age of majority.<sup>97</sup> One positive aspect of this bill was that Medicaid eligibility determinations were not affected by LB 226 because the eligibility was not impacted by a states' age of majority

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<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Floor Debate on LB 1086, February 2, 1972.

<sup>90</sup> Neb. Lb. 1086 § 1

<sup>91</sup> Chronology of Bills, 2003.

<sup>92</sup> Floor Debate on LB 226, January 26, 2010.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> "Age of Majority in Nebraska Could Change for Some Purposes" Hicks.

laws.<sup>98</sup> Additionally, the bill did not change the “Department of Health and Human Services definition of a minor child for the Aid to Dependent Children/Temporary Assistance to Needy Families Program.”<sup>99</sup> However, The Nebraska Department of Health and Human Services had problems with his original bill because they wanted to keep Nebraska minors in their services for another year. Another issue that arose with this bill is that his legislation would take child support away from parents too soon. Normally, courts are inclined to look at the benefit of the child and not just the age of majority. Senator John Harms also saw problems in this bill because he did not believe that eighteen-year-olds were mature enough to have adult responsibilities.<sup>100</sup> Since LB 226 received this kind of resistance, Senator Rogert narrowed his original bill. Instead, he lowered the age of majority from nineteen to eighteen for young adults who sought to sign a lease.<sup>101</sup> This was because college students had difficulties signing a lease and receiving utilities because they needed their parent’s consent.<sup>102</sup> This new bill also proposed that eighteen-year-old minors could consent to healthcare if their parent or guardian delegated the power to them.<sup>103</sup> LB 226 was passed in the legislature on February 25th, 2010, and was approved by Governor Dave Heineman on March 3rd, 2010.<sup>104</sup>

In 2017, Senator Adam Morfeld was approached by students from the University of Nebraska-Lincoln with the idea of creating a carve-out for the Nebraska age of majority law for mental health services.<sup>105</sup> These students were with the Association of Students at the University of Nebraska, and they believed that it was important for eighteen-year-olds to receive mental

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<sup>98</sup> Statement of Intent for LB 226, 2009.

<sup>99</sup> Ibid.

<sup>100</sup> Floor Debate on LB 226, January 26, 2010.

<sup>101</sup> “Age of Majority in Nebraska Could Change for Some Purposes,” Hicks.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Neb. Lb. 226 § 2

<sup>105</sup> Judiciary Committee Hearing on LB 982, February 14, 2018.

healthcare without needing the consent of their parents.<sup>106</sup> This was because UNL had experienced four students committing suicide in the fall semester of 2017 alone.<sup>107</sup> These university students believed that the age of majority law was a hurdle for students with mental illness and unsupportive parents.<sup>108</sup> In 2018, Senator Morfeld introduced his bill into the legislature, citing that Nebraska was the only state in the U.S. that required parental consent for mental health services at nineteen.<sup>109</sup> Senator Morfeld also included that, according to the National Institute on Mental Health and World Health, one in five Americans has some sort of mental illness, and two-thirds of them will not seek treatment.<sup>110</sup> He equated that statistic to Nebraska having nearly 64,000 individuals that are affected by mental illness.<sup>111</sup> Overall, the bill that Senator Morfeld introduced would make mental health services more accessible to young adults by allowing eighteen-year-olds to consent to mental health services without the consent of their parents. This bill passed in the unicameral on April 11<sup>th</sup>, 2018 and was signed into law by Governor Pete Ricketts on April 17<sup>th</sup>, 2018.<sup>112</sup> Although this new law lowered the age of consent to receive mental health treatment, it did not address the age of consent for other healthcare.

### *Testimonies*

During my research, I arranged a public forum where students and stakeholders in the community came together for a round table discussion to deliberate how this law affects Nebraskans. This public forum was organized as part of my internship with Senator Adam

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<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Nebraska Unicameral Legislature Official Site.

Morfeld. This round table included Senator Morfeld and his assistant Julia Holmquist, staff from the University of Nebraska Health Center, student representatives from the UNL University Health Center Student Advisory Board, student representatives from both the UNL student government and the Wesleyan student government, and students who had been affected by the Nebraska age of majority law. In this section of my thesis, I will be detailing these individual experiences with the effects of the Nebraska age of majority law.

This Age of Majority Forum was publicized throughout the University of Nebraska-Lincoln, and it was open to the public. The students who spoke at this forum identified themselves in front of the other people who attended and were willing to have their testimonies recorded. In this thesis, all of the names of the students have been changed for the sake of their privacy.

“Anna” is a senior at the University of Nebraska-Lincoln who is majoring in history, political science, and global studies. She is also from Omaha, Nebraska. She was seventeen when she began college in the fall of 2016, so she was affected by the Nebraska Age of Majority law for much longer than most students. Before her sophomore year of college began, she got a checkup in Omaha over the summer before she turned nineteen. The nurse called her the next day, but Anna missed the call. Later, the nurse got ahold of Anna and told her that she had high cholesterol, but she forgot to tell Anna that she was also anemic and needed more iron in her diet. Anna did not find out that she was anemic until a year later because the Nebraska Age of Majority law did not allow her to look into her Patient One Chart online after her initial checkup. The next summer, Anna confided in her father that her hair was falling out and she frequently felt fatigued. Her father looked into her Patient One Chart online to see if that would explain her

illness, and he found that the doctor had prescribed her to take two iron pills a day with vitamin C for her anemia.

“Phoebe” is a first generation and an out-of-state student from Waconia, Minnesota. She is also a senior majoring in political science and sociology. She had an early move-in date her freshman year of college because she was part of the First Husker Program. She suggested that this may be the reason she did not know about the paperwork that needed to be filled out for the health center. During her freshman year, she got a sinus infection and went to the health center at 9:00am to get treated. She was told that she needed her parents’ consent for her to be treated, but both of her parents work at jobs that do not allow them to be near their phones. She finally got ahold of one of her parents around 1:00pm that day, but by that time the health center was fully booked for the rest of the day. Thus, she had to wait until the next day to get treated.

“Anthony” is a junior from Omaha, Nebraska, and he is majoring in biochemistry at the University of Nebraska-Lincoln. During his first semester at UNL, he hurt his ankle and got it checked out by a doctor in Omaha. That doctor told him that his ankle injury was probably not a true break, so it was not treated while he was in Omaha. However, when he got back to Lincoln, he attempted to get it looked at by another doctor. He had to wait an extra two or three weeks to get into a hospital to get a true x-ray in Lincoln because the age of majority law would not allow him to consent for himself, and there were many difficulties getting ahold of his parents to satisfy this law. Coincidentally, he volunteered at this hospital once a week, but he still could not talk to a doctor about his ankle because he was eighteen. He later found out that he had a torn Achilles tendon, and the entire tendon could have snapped if it was left untreated for a few more weeks.

“Cassandra” is a freshman at UNL who is majoring in journalism. She grew up on the Yokota Air Base in Japan, and her parents are still living there while she is in college. In the beginning of her fall semester at UNL, she became direly ill and missed a week of classes. When she went to the University Health Center, she was told that the health center would need to call her parents in order to get their consent to treat her. She was surprised by this information because she assumed that because she was eighteen in the United States, she was considered an adult in the state of Nebraska. She continued to call her parents to ask for their consent, and luckily, they picked up the phone even though it was midnight in Japan. Cassandra was then treated by the health center and diagnosed with a viral infection.

“Isabella” is a sophomore chemistry major on the pre-medicine track from Bridgeport, Nebraska. She is also involved in student government at the University of Nebraska at Kearney. During the second week of her freshman year, she went for a run and got hit by a car at a crosswalk. She broke a vertebra in her neck, compound fractured her right arm, and broke a bone in her leg. She was immediately taken to the hospital where she was stabilized, but the doctors would not operate on her without her parents’ consent. Since her parents live in Bridgeport, Nebraska, it took them four hours to drive to the CHI Hospital in Kearney to consent to Isabella’s procedure.

Terry Thomas has been a Nurse Practitioner at the University of Nebraska-Lincoln Health Center for the past eleven years, and she is actively involved in the NNP and is the Chair of the Legislative Committee. Additionally, she has been active in both state and federal health policy. She explained to me that the Health Center often has to take special steps with students below the age of nineteen in order for them to have access to healthcare.

The largest problem that the University Health Center has with this law is with freshmen. Additionally, when a student is from out of state or is an international student, the confusion significantly increases. The Health Center has to go through multiple levels of paperwork in order for freshmen to receive healthcare. Most paperwork is completed when students go through New Student Enrollment during the summer, but problems arise when parents are not with the students at New Student Enrollment to sign the power of attorney that allows minors to consent for themselves in the absence of their parent or guardian. Students need a power of attorney signed by their parents to even be seen by a doctor. In addition to requiring parental consent for medical care at eighteen, students need parental consent for conditions of treatment such as information on insurance, insurance benefits, and release of appointment information. Minors also need parental consent when they have to have surgery or a procedure such as getting stitched up after an accident. Minors cannot sign a release of information, so if they have Crohn's disease and are getting medical care and the practitioner needs their records, they would need their parents' consent. In cases like this, parents would need to go wherever the student was seen last for that disease to get the information faxed over to their new practitioner. Terry also noted that mental healthcare is a certain kind of medical care, and since the age of consent for receiving mental health treatment was lowered to eighteen in 2018,<sup>113</sup> it only makes sense for the age of majority for healthcare services to be eighteen.

Terry also spoke about the issues that the UNL Health Center and its patients encounter with Patient One Chart when students are eighteen. Patient One Chart is an online service that the health center uses to communicate with patients and log their medical visits. Terry explained how if a student is eighteen, that student cannot sign up for a Patient One Chart account unless

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<sup>113</sup> Neb. Lb. 982 § 1

his or her parents set it up. This causes disconnect between the medical professionals and the students because this is the service that the professionals use to send the results of important lab tests to students. Medical professionals cannot use any means of communication through email to contact the students, but this online service has a highly secured email service that is safe to communicate through. If students do not have a Patient One Chart set up, the University Health Center ends up playing phone tag with them. Terry also mentioned that young people do not always set up their emails, so it is extra difficult to get ahold of students. Situations like these can lead to miscommunications that are unfavorable to patient health, which is what Anna faced when her nurse forgot to tell her that she had anemia.

Dr. Heather Eberspacher is the Medical Director at the University of Nebraska Health Center, and she mainly spoke about how the Nebraska age of majority law affects a patient's prescriptions. A patient cannot sign a release of information at eighteen from previous doctors for medical care or mental healthcare. This ends up defeating the purpose of the previous mental healthcare carve-out that Senator Morfeld passed in the Nebraska Legislature in 2018. Anna commented that she had to wait an extra year to get medications for her mental health before she became nineteen because her mother was not in favor of her taking these medications. Therefore, Anna could not go to the doctor at the University Health Center to get mental health medication because her records did not transfer from her previous doctor. Dr. Eberspacher emphasized that in some cases, family can be a barrier to medical care. Even when an eighteen-year-old patient is seeking to be prescribed medicine that does not apply to mental health, the age of majority law makes it difficult to maintain past patient records. While the medical professionals at the University Health Center can start over with students and prescribe them completely new

medication, some students cannot remember what medications they have tried in the past to fix their problem, and the professionals cannot look at past records.

Terry Thomas and Dr. Heather Eberspacher agreed that the University of Nebraska Health Center runs into problems with eighteen-year-old students and the Nebraska age of majority law multiple times a day. They noted that the beginning of the school year is especially awful in dealing with students who do not know about the age of majority law and their lack of a Power of Attorney. These problems also lead to having a backup at the front desk, which is why it can take twenty to thirty minutes to get checked in at the University Health Center. Sometimes, the health center even has to turn people away because they are too backed up. Furthermore, this is a year-round issue because once UNL starts its second semester, new students will transfer to UNL and have these same issues.

### ***Lowering the Age of Majority for Healthcare Purposes***

Many eighteen-year-olds in Nebraska have troubles seeking healthcare services due to the age of majority in Nebraska being set at nineteen. This means that eighteen-year-olds still need parental consent when seeking medical services in Nebraska. Young adults begin to move away from their homes at eighteen, but they are still not completely independent from their parents because of Nebraska state law. This creates a substantial issue for international students, students from out of state, and students whose parents do not have time to give their consent during their busy workday. While Nebraska is one of the few states in the U.S. whose age of adulthood is older than eighteen, we still have exceptions that eighteen-year-olds can participate in without parental consent. Some examples of these exceptions for eighteen-year-olds include signing a legally binding lease, seeking mental health services, and voting without parental

consent.<sup>114</sup> The reason that the Nebraska age of majority law has not been lowered to eighteen altogether is because it would lead to unintended consequences for youth who are still in the foster and welfare system, but that does not mean that we should not have a carve-out for healthcare. This law creates difficulties for young adults in Nebraska who seek medical care but do not have the luxury of having their parents or guardians on call. It is time that Nebraska creates a healthcare carve-out to the age of majority law so that eighteen-year-olds can receive medical attention with ease.

### ***Conclusion***

In December of 2019, Senator Morfeld officially decided to introduce LB 1036 after Nebraska Appleseed determined that lowering the age of majority from nineteen to eighteen for healthcare services would not affect Nebraska state funding. In addition to creating a bill to lower the Nebraska age of majority for medical purposes, Senator Morfeld also added a portion to the bill specifically for youth who are in the Department of Correctional Services. This is because there is inconsistency in the age of majority statute for youth who are wards of the state and have the ability to consent for medical care. LB 1036 was introduced on January 13th, 2020, and officially reads as:

A BILL FOR AN ACT relating to the age of majority; to amend section 43-2101, Revised Statutes Supplement, 2019; to allow persons eighteen years of age and older to make health care decisions as prescribed; to allow persons under nineteen years of age who are committed to the Department of Correctional Services to consent to mental

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<sup>114</sup> Neb. Rev. Stat. § 43-2101

health services, medical care, and related services as prescribed; and to repeal the original section.

The committee hearing for LB 1036 was held on January 31st, 2020, and Student Regent Emily Johnson, Terry Thomas, and myself were three of the testifiers in favor of the bill. Emily's testimony included how important this bill is for students and her own personal story of a time she was ill freshman year and had trouble getting ahold of her parents to receive their consent. However, her parents work in Lincoln, so it was much easier for her to obtain their consent than it would be for an international student or a student from out of state. My testimony included a personal story of mine where I had to delay receiving medical services at the health center because I had troubles contacting my mother for her consent. Additionally, I summarized "Anna's" story with her problems with anemia and the Patient One Chart. Then, Terry testified by highlighting how difficult and untimely it can be to obtain a verbal power of attorney from parents over the phone when their children need medical care. She also discussed the problems that students, like "Anna," have accessing the Patient One Chart when they are eighteen. She emphasized that the University Health Center deals with these issues every single day, and that the Nebraska age of majority law greatly affects access to healthcare for the UNL student population.

Senator Tom Brandt responded to Terry by pointing out that if an eighteen-year-old needed to see a medical professional but could not get their parent's consent in a timely manner, the eighteen-year-old could go to the hospital and get treated because it would be considered an emergency. Terry explained that it would be too expensive and unnecessary for eighteen-year-olds to go to the hospital whenever they would have a mild sickness.

At this hearing, Senator Julie Slama pointed out the numerous attempts to lower the overall age of majority in Nebraska from nineteen to eighteen. She suggested that Senator Morfeld could alter the bill to fix this issue instead of creating numerous carve-outs. Senator Morfeld responded by saying that the reason past attempts have not been successful is because youth in the foster or welfare system could be negatively affected by lowering the overall age of majority.

While this bill has no real opposition, there is a chance that it will not get passed during the 2020 Legislative Session. The Nebraska Legislature is currently running out of time to pass bills because this Session is sixty days long. Therefore, the Legislature is only reviewing priority bills for the rest of the Legislative Session. Senator Morfeld believes that there may be a bill that we can amend it to in order to get it passed this year. If LB 1036 is not passed in the 2020 Legislative Session, he will introduce it in the 2021 Legislative Session. Even if LB 1036 ends up not getting passed, Senator Morfeld intends to fix the issue that Terry Thomas and Dr. Heather Eberspacher found with his 2018 bill that lowered the age of majority for mental healthcare services to eighteen. He would amend this bill by attempting to create a carve-out to the Nebraska age of majority law so that eighteen-year-olds could sign a release of information from previous doctors for their past mental healthcare visits.

In this thesis, I argued that lowering the Nebraska age of majority to eighteen for healthcare services would be highly beneficial for the young adults who reside in this state. I began this thesis by defining what the age of majority is and giving a brief history of it. Then, I explained nationwide exceptions to the age of majority, and I detailed the age of majority laws in states surrounding Nebraska. Additionally, I incorporated age of majority carve-outs in Alabama and Mississippi because they are the only other states in the U.S. with an age of majority that is

older than eighteen. After that section, I gave an overview of the laws surrounding Nebraska's age of majority and included a brief history of attempts to lower the Nebraska age of majority and create carve-outs. Finally, I described the Age of Majority Forum that I organized and the testimonies of some of the individuals that attended. After analyzing my research, I have concluded that creating a healthcare carve-out for the age of majority law in Nebraska would create a positive change for young adults across the state. If eighteen-year-olds can vote in elections, join the military, and be executed for a capital crime, they should be able to consent for their own medical care.

## Bibliography

“Adolescents & the Iowa Law.” Iowa Department of Public Health. Accessed October 1, 2019.

Retrieved from [https://idph.iowa.gov/Portals/1/Files/FamilyHealth/adolescent\\_law.pdf](https://idph.iowa.gov/Portals/1/Files/FamilyHealth/adolescent_law.pdf)

Chronology of Bills, 2003. <https://nebraskalegislature.gov/FloorDocs/98/PDF/Journal/r1chronology.pdf>

Cook, Virginia G. “Age of Majority.” The Council of State Governments. (1972). Accessed December 8, 2019.

Edwin, Evans. “Summary of Minor Consent Laws in South Dakota.” Risk Management Advisory. April 2012. Accessed November 25, 2019. Retrieved from <https://www.mmigroup.com/PDF/SDAdvisoryApril.pdf>

Floor Debate on LB 226, January 26, 2010. <https://www.nebraskalegislature.gov/FloorDocs/101/PDF/Transcripts/FloorDebate/r2day13.pdf>

Hamilton, Vivian E. “Adulthood in Law and Culture.” Faculty Publications. 2016. Accessed December 9, 2019. <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2863&context=facpubs>

Hicks, Nancy. “Age of Majority in Nebraska Could Change for Some Purposes.” Lincoln Journal Star. January 2010. Accessed November 26, 2019. [https://journalstar.com/news/local/govt-and-politics/age-of-majority-in-nebraska-could-change-for-some-purposes/article\\_3f3ee91c-062c-11df-bb52-001cc4c03286.html](https://journalstar.com/news/local/govt-and-politics/age-of-majority-in-nebraska-could-change-for-some-purposes/article_3f3ee91c-062c-11df-bb52-001cc4c03286.html)

Judiciary Committee Hearing on LB 982, February 14, 2018.

<https://www.nebraskalegislature.gov/FloorDocs/105/PDF/Transcripts/Judiciary/2018-02-14.pdf>

“List of Laws.” Colorado Judicial Branch. Accessed October 1, 2019. Retrieved from

<https://www.courts.state.co.us/Courts/Education/Youth/Laws.cfm>.

“Know Your Rights.” Topeka Public Schools. Accessed October 1, 2019. Retrieved from

<https://www.topekapublicschools.net/cms/lib011/KS02203960/Centricity/Domain/206/Legal%20Rights%20minors.pdf>

“Nebraska Age of Consent Laws 2019.” Age of Consent. 2019. Accessed December 10, 2019.

<https://www.ageofconsent.net/states/nebraska>

Nebraska Unicameral Legislature Official Site. <https://nebraskalegislature.gov/bills/>

[view\\_bill.php?DocumentID=34595](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=34595)

“Reaching the Age of Majority: Legal Rights & Responsibilities of Adults.” The Nebraska State Bar Association. April 2014. Accessed December 10, 2019.

“State History of MLDA 21.” ProCon. 2016. Accessed December 10, 2019.

<https://drinkingage.procon.org/state-history-of-mlda-21/>

Statement of Intent for LB 226, 2009. <https://nebraskalegislature.gov/FloorDocs/101/PDF/SI/LB226.pdf>

“Understanding Minor Consent and Confidentiality in Colorado: An Adolescent Provider

Toolkit.” Colorado Association for School-Based Health Care. 2011. Accessed October 1, 2019.

<https://www.cde.state.co.us/sites/default/files/documents/healthandwellness/download/school%20nurse/understanding%20minor%20consent%20and%20confidentiality%20in%20colorado.pdf>.

**List of State Statutes**

Ala. Code § 26-1-1

Ala. Code § 22-8-4

Ala. Code § 22-8-5

Ala. Code § 22-8-6

Ala. Code § 22-8-9

Co. Rev. Stat. § 13-22-103

Kan. Stat. Ann. § 38-123b

Mo. Rev. Stat. § 431.056

Mo. Rev. Stat. § 431.063

Mo. Rev. Stat. § 191.225

Miss. Code Ann. § 1-3-27

Miss. Code Ann. § 91-7-37

Miss. Code Ann. § 93-19-13

Miss. Code Ann. § 45-9-101

Miss. Code Ann. § 67-3-54

Miss. Code Ann. § 41-41-14

Neb. c. 298 § 1

Neb. Lb. 1086 § 1

Neb. Lb. 226 § 2

Neb. Lb. 982 § 1

Neb. Rev. Stat. § 43-2101

SD. Cl. § 20-9-4.2

SD. Cl. § 34-23-16

SD. Cl. § 26-2-7

Wyo. Stat. § 14-1-101

### **Appendix 1**

Appendix 1 includes the schedule that I created for the Age of Majority Forum.

### **Appendix 2**

Appendix 2 is the graphic design that was made to publicize the Age of Majority Forum. This design was created through the Association of Students of the University of Nebraska.

# LR 171 - Change Age of Majority for Healthcare Decisions Forum

6:30pm-7:20pm, Union Heritage Room

- 1) Introductions (5 minutes)
  - a) Stakeholders
  - b) Students
- 2) Why students want the age of majority lowered from 19 to 18 for healthcare reasons (25 minutes)
  - a) Nebraska, Alabama, and Mississippi are the only states in the nation that do not have an age of majority of 18
    - i) Even in Alabama, minors who are 14 or older can consent to general medical care
  - b) Problems posed to international students, out of state students, and students whose parents do not have time give their consent during their busy workday
  - c) Nebraska already has carve-outs for the age of majority, for example entering into a binding contract or lease (LB 226 passed in 2011) or consenting for mental health services (LB 982 passed in 2018)
  - d) Student testimonies
  - e) Other student opinions
- 3) Stakeholder opinions (10 minutes)
- 4) Questions and next steps (10 minutes)
- 5) Adjourn

# AGE OF MAJORITY FORUM



NOV. 7TH

6:30PM-7:20PM

UNION  
HERITAGE  
ROOM

CO-HOSTED BY ASUN STUDENT GOVERNMENT  
& SENATOR ADAM MORFELD

