

April 2, 1979

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law. They can merely petition the State Board of Health to grant them a waiver from having to comply with this particular law. The next section 12 indicates that the violation will be subject to a class 5 misdemeanor and that is a fine of anywhere up to \$100.00, no minimum. Section 14 establishes a severability clause should there be some reason that any section would be declared unconstitutional, which I am sure it will not, but this would provide that if any section were established as unconstitutional it would be ineffective as it pertained to the remaining sections. I have also established the operative date for this bill as January 1, 1980. Now I would like to give you some idea of who the proponents are of this proposal as well as those who are opposing this particular measure. The Lung Association, the American Lung Association, Nebraska Chapter is supportive. The Heart Association, the Cancer Society, the Nebraska Clean Indoor Air Council and many citizens throughout the State of Nebraska have expressed an interest and a concern in this legislation. For instance, those that attended the public hearing held on this bill came not only from the areas of Omaha and Lincoln, but from Grand Island and as far west as North Platte so it does represent that there is an interest statewide. I should also add that unsolicited we did have a minor testify at this particular hearing, a young lady by the name of Miss Stephanie Joyce who is a ten year old girl, attends the Bellevue Public School District. I also circulated some material for those who wish to obtain additional information. I have included Dr. Lon Keim's statement that was provided before the Public Health and Welfare Committee as well as items that deal with the smoking habits here in the United States, information obtained from the State of Minnesota, since this bill is patterned after that model law and also endorsements. You will find that the American Cancer Society is one of those organizations that is supportive of this proposal. This group represents 25,000 volunteer workers here in the State of Nebraska. Also the metropolitan unit, Cass County, Dodge, Douglas, Sarpy, Saunders, Washington, representing 8,000 volunteer workers for the Cancer Society. Additionally we received endorsements of support from the Nebraska Society of Respiratory Therapy, the Omaha District Dental Society and others. The opponents to this proposal have been two factors. That being the tobacco industry which we can understand because I feel that the impact that such a bill would have on them would affect them monetarily possibly and it is for those reasons and those reasons alone that they can legitimately oppose this particular proposal. Whenever there is a designation or a restriction