

January 14, 1980

LB 382

CLERK: 27 ayes, 0 nays on the adoption of Senator Stoney's amendment, Mr. President.

SPEAKER MARVEL: Motion is carried. The amendment is adopted. Now, Senator Stoney, you have another amendment.

SENATOR STONEY: Yes, Mr. President, the amendment in its present form addresses Section 6 of the bill. If you have that before you, you might wish to turn to it and follow along. The first portion of the section is what I found objectionable and I am attempting to alter that through its elimination and then make an alteration that makes it fitting with the remainder of that particular section. Section 6 begins by saying that no hospital, clinic, nursing home or other health care facility in this state or any employee or agent thereof shall restrict or forbid the use of or refuse to administer or dispense laetrile when prescribed or administered. Now the difficulty that I have with this is that I feel in a free enterprise system that individuals that control these facilities should be able to make that determination as to whether or not they wish to allow laetrile, its administration, in that facility. So what I am striving to do is to provide them with the opportunity to make that decision themselves. They will not then be mandatorily told that laetrile will be utilized in whatever that institution might be. Additionally since the physician does have the opportunity to administer laetrile to a patient with proper consent in one of these facilities, the remainder of the amendment grants, in fact, immunity to that particular hospital, clinic, nursing home or other health care facility and to its employees so that they would not be subjected to disciplinary action solely on the grounds that the facility or the employee or the agent thereof has allowed the introduction of laetrile by a physician onto the premises. So in essence, it grants to the facility that may have granted a physician the opportunity to use this in that facility, it grants them immunity to any employees or staff persons so that they would not be criminally or civilly liable for the administration of this substance in that facility and I would move for the adoption of the amendment.

SPEAKER MARVEL: Senator Wesely, do you wish to be recognized on Stoney second amendment?

SENATOR WESELY: Mr. Speaker, I just wanted to rise in support of Stoney's amendment. It is an amendment that I proposed last spring which I believe was defeated by the body but which I still believe today is a very correct step to take. Now we are talking about freedom of choice and