

January 14, 1980

LB 382

Labeledz has no problem with it so I hope that we can just end the discussion on this, move for the advancement of the amendment.

SPEAKER MARVEL: Senator Carsten, did you wish to speak on this? Senator Labeledz, your light is on. Do you wish to speak? The motion is the adoption of the Simon amendment. All those in favor of that motion vote aye, opposed no. Record the vote.

CLERK: 27 ayes, 0 nays on the adoption of Senator Simon's motion.

SPEAKER MARVEL: The motion is adopted and the amendment is approved. Next amendment.

CLERK: Mr. President, Senator Dworak now moves to amend by deleting Section VII of the bill.

SPEAKER MARVEL: The Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, I can't believe, and this is the first opportunity I have had a chance to talk, I can't believe that we would attempt to shut off debate on this issue this early. Granted it was debated rather thoroughly last session but we do have some new Senators in here and some of us who aren't as actively involved in this issue probably could stand a little refreshment on it. I can't believe we would advance this bill with a section in there like Section #7 and let me read the wording of Section #7. "No physician may be subject or may be criminally or civilly liable solely on the grounds that such physician has prescribed or administered laetrile." I think if that physician prescribed laetrile in a situation when laetrile should have not been prescribed that physician should be liable. I just cannot see absolving the physician of all liability. I don't think that is the intention of anybody in this state to absolve that physician of all liability. We don't do this with any other substance. We don't do this with any other drug. Why should we do it with laetrile. I think when that physician in his judgment, in his professional and medical judgment makes a decision, he should be personally liable for that decision. Now in my estimation, I am going to say this for the record, without this amendment this bill is totally unconstitutional and I question the constitutionality of this bill with this provision in it. I don't know what kind of faith people have in this substance that would cause them to ask us to absolve any kind of liability for the prescribing doctor.