

front of me, have seen to the need to pass this very legislation. But I did want to call to your attention that Senator Haberman did have this bill in 1987 in front of the Judiciary Committee, and there was a question then, if I remember, and I am sure that he knows more than I do, but I thought it was not illegal...it was illegal to sell to minors, but it was not illegal for minors to possess tobacco, and I could be wrong in that. Thank you.

PRESIDENT MOUL: Thank you, Senator Nelson. Senator Schmit. Senator Schimek, followed by Senator Dierks, Bohlke, and Will. Senator Schimek.

SENATOR SCHIMEK: Madam President and members of the body, thank you. I guess I would like to address some of the points that Senator Haberman raised a little while ago, and, Senator Haberman, wherever you are...there you are...I really think that you missed the point. We are not being discriminatory here. We are not saying that stores and establishments cannot sell cigarettes. We are saying they can't sell them in vending machines because vending machines are so accessible to youth. I would like to share with you a study that was done by the Lincoln-Lancaster County Health Department just a few months ago, as I recall. And, Senator Haberman, I really wanted you to hear this. They sent a young person out to both vending machines and over-the-counter sales. It was a very young looking 14-year old boy that went out and attempted to purchase cigarettes from 31 retail sources in Lancaster County, and these retail sources of tobacco were chosen based on their proximity to local junior high schools. Twenty attempts were over-the-counter retail outlets, such as KWIK-Shops, grocery stores, pharmacies, and discount stores. Eleven attempts were from vending machines, and these were made in places such as restaurants, bowling alleys, laundromats, motels and bars. Some vending machines were in direct line sight of clerks, others were not. Each purchase attempt was observed by a staff member of the Lincoln-Lancaster County Health Department. To avoid actually breaking Nebraska law which prohibits minors from purchasing tobacco, so this says, Senator Haberman, I stand corrected, each purchase attempt was made as follows. At retail over-the-counter sources, the youth either brought a pack of cigarettes to the sales clerk or asked the clerk for a pack of cigarettes. A sale of tobacco to a minor was considered completed if the clerk would have actually sold the cigarettes to the youth. The youth never had quite enough money to