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so this would put some teeth in the act...

SENATOR HARTNETT: So you're moving the penalty from me as a person, if I'm smoking in the wrong place, to you the proprietor...?

SENATOR THOMPSON: No, both are on both (inaudible).

SENATOR HARTNETT: Both could be penalized?

SENATOR THOMPSON: The entire act is enforceable,...

SENATOR HARTNETT: That's a...

SENATOR THOMPSON: ...against the establishment.

SENATOR HARTNETT: That's a Class V misdemeanor, a \$100 fine? Is that what I read?

SENATOR THOMPSON: Correct.

SENATOR HARTNETT: Yeah.

SENATOR THOMPSON: And it would be by...an injunctive action could be brought not only by the Department of Health and Human Services, but by local health departments, or a local level. And the concern is, an affected individual, you know, that's...I'm trying to get a clarification, but I think that's the way injunctive action is in...that's in current law.

SENATOR HARTNETT: Yeah. Let's...can we continue? (Laugh) I'm in violation. Then somebody goes, get a policeman? Or, what do...how do we...I'm violating the law, either as a proprietor or as a person. I'm...I mean, what happens to me? How does the process work? I guess that's what I'm trying to understand, Senator Thompson.

SENATOR THOMPSON: Actually, it's never been done.

SENATOR HARTNETT: Oh.