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FLOOR DEBATE

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smoke. So I'd ask for the advancement of this amendment, the attachment of this amendment to the bill, so that we could ban the smoking in in-home day cares during the hours of operation. I think the bill does strike a balance between the private property interests of those who own those homes and the health needs of the children who are cared for in those homes. And with that, I'll conclude my opening, Mr. President, unless there are any questions. Thank you.

SENATOR CUDABACK: Thank you, Senator Foley. You've heard the opening on AM2623 by Senator Foley to LB 1005. Open for discussion on that motion. Senator Foley, there are no lights...I'm sorry. Senator Don Pederson, you're recognized.

SENATOR D. PEDERSON: Would Senator Foley yield to a question, please?

SENATOR CUDABACK: Senator Foley, would you yield?

SENATOR FOLEY: Yes, I'd be happy to.

SENATOR D. PEDERSON: What is the penalty for this violation, and how is it enforced?

SENATOR FOLEY: Good question, Senator. That did come up in committee. Right now, when you operate a licensed day care in your home, you submit yourself to inspection by HHS. And once a year, at least, someone from HHS will visit your home during the hours of operation and take a look at the cleanliness of the facility, the bathroom, the kitchen, the area where the children are playing, and so forth. And if it's found to be out of sync with regulations, you could be written up and cited. And if it's beyond...if it's a very egregious problem, they could even pull the license. And that would hold true with respect to the smoking policy also.

SENATOR D. PEDERSON: Okay. So it's a condition of the issuance of a license for that facility.

SENATOR FOLEY: That's correct.