

AMENDMENTS TO LB118

Introduced by General Affairs.

1 1. Insert the following new sections:

2 Sec. 5. Section 71-5717, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to  
5 protect the public health and welfare by prohibiting smoking in public  
6 places and places of employment with limited exceptions for public  
7 accommodations, research, tobacco retail outlets, and cigar shops. The  
8 limited exceptions permit smoking in public places where the public would  
9 reasonably expect to find persons smoking, including guestrooms which are  
10 subject to expectations of privacy like private residences, institutions  
11 engaged in research related to smoking, and tobacco retail outlets and  
12 cigar shops which provide the public legal retail outlets to sample, use,  
13 and purchase tobacco products and products related to smoking. The act  
14 shall not be construed to prohibit or otherwise restrict smoking in  
15 outdoor areas. The act shall not be construed to permit smoking where it  
16 is prohibited or otherwise restricted by other applicable law, ordinance,  
17 or resolution. The act shall be liberally construed to further its  
18 purpose.

19 Sec. 7. If any section in this act or any part of any section is  
20 declared invalid or unconstitutional, the declaration shall not affect  
21 the validity or constitutionality of the remaining portions.

22 2. On page 3, line 2, strike "in triplicate original" and show as  
23 stricken; and in line 30 after the period insert "The rules and  
24 regulations existing on August 1, 2014, applicable to cigar bars shall  
25 apply to cigar shops until amended or repealed by the commission.".

26 3. On page 4, after line 30; and page 6, after line 7, insert the  
27 following new subsection:

1           "(3)(a) The Legislature finds that allowing smoking in tobacco  
2 retail outlets as a limited exception to the Nebraska Clean Indoor Air  
3 Act does not interfere with the original intent that the general public  
4 and employees not be unwillingly subjected to second-hand smoke since  
5 employees have ample other opportunities for similar employment at other  
6 establishments and the general public would not frequent those  
7 establishments and should reasonably expect that there would be second-  
8 hand smoke in a tobacco retail outlet and could choose to avoid such  
9 exposure.

10           (b) It is the intent of the Legislature to allow smoking in tobacco  
11 retail outlets that meet specific statutory criteria. This exception to  
12 the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with  
13 the intent of the act to protect public places and places of  
14 employment."

15           4. Renumber the remaining sections and correct the repealer  
16 accordingly.