

February 19, 1974

SENATOR PROUD: Now, if I could ask my question of Senator Marsh on this LB600.

PRESIDENT: Senator Marsh, do you yield to a question?

SENATOR MARSH: Yes.

SENATOR PROUD: Senator, I'm sure this is a difficult question for a number of us. My only question is as I tried to indicate across the aisle here is about the hospital area. How this affects the smoking in a hospital. For example, if a patient wants to smoke and let's say, he or she has the room to themselves, how would this affect this situation?

SENATOR MARSH: That room would be designated as a smoking area if that patient's doctor said it was all right for the patient to smoke. This is designed for a room where there is a non-smoker so that the non-smoker could request being placed in a double room with another non-smoker. Or, if the patient was a smoker, he could ask to be placed in a room with a smoker so that he could have the privilege of smoking. This is saying that if one smokes and one does not, the smoker does not have the right to impose on the non-smoker's air but he may be asked to, he may ask to have his room changed so that each of them will have the type of roommates they wish.

SENATOR PROUD: Yes, but suppose a non-smoker doesn't object.

SENATOR MARSH: Then that would be the decision of the non-smoker.

SENATOR PROUD: Yes, but the bill says, "shall not apply in any area designated as a smoking area," does this mean the hospital has got to designate and re-designate every day or however often the occupants of that room change?

SENATOR MARSH: I don't think this would be a written agreement, sir. I think this will be in the management provisions of the hospital itself.

SENATOR PROUD: Well, I'm not sure the bill says that.

PRESIDENT: Attention, please. Senator Carpenter, for what purpose do you rise?

SENATOR CARPENTER: Just to make a brief comment that this is the difficulty of the bill. Nobody understands who's going to enforce what it means. We're going to get in a mess of trouble if we pass this bill.

PRESIDENT: Attention. Speaker Proud.

SENATOR PROUD: Let me ask Senator Marsh one more question.

SENATOR MARSH: I did not yield to Senator Carpenter and I understand his comment was really out of order.

PRESIDENT: That isn't all either. The Chair's going to recognize now that I'm between a rock and a hard place because on final reading there is to be no debate allowed on the bill and that's exactly where we are and Speaker Proud, I don't mind allowing a question but this does put me in a tough spot.

SENATOR PROUD: Yes, I understand that. I then move that the bill be returned to Select File for a specific amendment, namely, to strike any reference to hospitals.

PRESIDENT: All right.