

January 30, 1979

LB 95

SENATOR CULLAN: Mr. President, members of the Legislature, I move that LB 95 be advanced from General File to E & R Initial.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Members of the Legislature, LB 95 is the product of the sunset process which was initiated a few years ago. The Sunset and Performance Review Committee analyzed the advertising statutes which are currently in effect in the State of Nebraska. We have an Attorney General's opinion relative to those advertising statutes and two Supreme Court decisions. The Bates Supreme Court decision which relates to advertising for lawyers and a State of Virginia Supreme Court decision that relates to advertising for pharmacy. LB 95 conforms the statutes of the State of Nebraska on advertising with those two Supreme Court decisions. It removes in addition some out-of-date language which is contained in the bill or contained in the existing statutes relative to some products which could not be advertised relative to monthly periods of women and that type of thing. So generally it removes that out-of-date language and conforms us with the Attorney General's opinion. In addition, LB 95 allows for revocation of a license for the professionals involved for violation of the Deceptive Trade Practices Act. These violations include passing off goods or services as those of another, causes likelihood of confusion or misunderstanding as to the source, sponsorship, approval or certification of goods or services, causes likelihood of confusion or of misunderstanding as to affiliation, connection or association with or certification by another, uses deceptive representations or designations of geographic origin in connection with goods or services. An individual convicted of violation of the Uniform Deceptive Trade Practices Act or an individual convicted of fraudulent or misleading advertising would then go through the process for removal of his license or other sanctions which could be imposed by a particular board. So briefly, that is the purpose of LB 95. We would answer questions if there are questions from members of the Legislature.

SPEAKER MARVEL: Any further discussion on LB 95, the advancement of the bill? All those in favor of advancing LB 95 to E & R for review vote aye, opposed vote no. The Clerk will record.

CLERK: 29 ayes, 0 nays on the motion to advance, Mr. President.