

March 20, 1979

LB 174

CLERK: 26 ayes, 0 nays on the adoption of the committee amendments.

SPEAKER MARVEL: Now, Senator Cullan, do you want to move the bill as amended?

SENATOR CULLAN: Mr. President and members of the Legislature, I would move that LB 174 as amended be advanced to E & R for engrossment. The purpose of the bill is to bring Nebraska law regarding the sale of prophylactics within the constitutional guidelines established by the U.S. Supreme Court in a recent decision by the Supreme Court. Some of the changes we make in existing state law, prophylactics can only be sold in a pharmacy. We changed that to a retail establishment so that any retailer could, licensed retailer could sell prophylactics. We changed drug store to retail store and then we give the department authority to promulgate rules and regulations to carry out the provisions of the act. The other policy change that we also make subject to the Supreme Court decision, Kerry vs. Population Services International, is to delete the age requirement so that any individual in any age may purchase a prophylactic in a retail store.

SPEAKER MARVEL: The motion is to advance LB 174 as amended to E & R for review. Senator Koch and then Senator Fowler. Senator Koch.

SENATOR KOCH: The body needs a little sense of humor. A question of Senator Cullan if he will yield. He won't yield. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Fowler, do you wish to address a question to Senator Cullan?

SENATOR FOWLER: I guess I would like to address the bill.

SPEAKER MARVEL: Okay.

SENATOR FOWLER: I have a special interest in this legislation, personal interest. When I first entered this Legislature six years ago, a young idealistic person out of the University trying to identify legitimate public needs, I brought the almost identical bill into the Legislature on the behalf of consumers across the state and was close...well, basically the bill was almost laughed out of the Legislature. As I can see today that certainly times have changed. No one is laughing about this bill. The only supporter I had in the Health