

April 2, 1979

LB 344

does exclude, however, and pay attention to this, private enclosed offices that are occupied exclusively by a smoker. This does not, however, prohibit a nonsmoker from visiting this office if he or she chooses to do so. In section 5 it provides that public meetings will be affected by the passage of this law and I know that in many cases city ordinances are doing this at the present time and this law would not affect them if this is the case. Section 7 defines that the prohibition will exist in only those areas that are designated for nonsmokers. Smokers of course will be able to smoke in those areas that are so designated for smoking. The prohibition does not apply, and this may be of interest to some, to an entire room or a hall that is used for a private social function where seating arrangements are under the control of the sponsor and not the proprietor of this room or this hall. The next item deals with the provision for these designated areas and factories and warehouses, places of work such as this. It indicates that the Department of Health in conjunction with the Department of Labor will establish the rules to govern these particular areas. Section 8 provides that smoking areas will be designated by the proprietors or other persons who are in charge of these particular places. It would not, however, affect those areas that smoking is presently prohibited by the State Fire Marshal. Where smoking areas are to be designated, and I am sure this is important because there are arguments that are made that it will cause major revision and extensive change in the physical plant, it should be stressed that where these smoking areas and nonsmoking areas are to be designated, that existing physical barriers and ventilation systems will be used. Now the only type establishment that has been excluded and labelled as a smoking area in its entirety is a bar. Section 9 indicates that the responsibilities of the proprietor will be to post appropriate signs for smoking and nonsmoking, arrange and accommodate seating for smokers as well as nonsmokers and if necessary in some cases, ask that smokers refrain from smoking if it is bothersome to a nonsmoker. I have also purposely provided sufficient time for rules and regulations to be promulgated with reference to this bill by establishing the date of January 1, 1980, the time at which all rules should be promulgated. This will give with the passage of the bill, at least six to eight months to accomplish this purpose. Another item that has been mentioned is the restriction it would place on a small area, a small cafeteria, a small eating establishment and section 11, I believe, addresses that by providing for a waiver if an individual feels they are unable to comply with the content of this