

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 53

Introduced By: Howard, 9; Aguilar, 35; Burling, 22; Dierks, 40; Hudkins,
21; Johnson, 37; Kruse, 13; Nantkes, 46; Pedersen, 39;
Preister, 5; Schimek, 27

Read first time: January 4, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health; to amend section 71-5707, Revised
2 Statutes Cumulative Supplement, 2006; to prohibit smoking in
3 certain foster care homes; to harmonize provisions; and to
4 repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-5707 Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 71-5707. (1) No person shall smoke in a public place or at a
4 public meeting except in designated smoking areas. This subsection
5 does not apply in cases in which an entire room or hall is used for a
6 private social function and seating arrangements are under the control
7 of the sponsor of the function and not of the proprietor or person in
8 charge of such room or hall.

9 (2) With respect to factories, warehouses, and similar
10 places of work not usually frequented by the general public, the
11 Department of Health and Human Services Regulation and Licensure
12 shall, in consultation with the Department of Labor, establish rules
13 to restrict or prohibit smoking in those places of work where the
14 close proximity of workers or the inadequacy of ventilation causes
15 smoke pollution detrimental to the health and comfort of nonsmoking
16 employees.

17 ~~(3)~~ (3)(a) No person shall smoke at a site where a
18 child care ~~programs~~ program required to be licensed under
19 ~~section 71-1911~~ are the Child Care Licensing Act is provided.
20 This ~~subsection~~ subdivision applies to a child care program
21 located in the home of the provider only during times one or more
22 client's children are present in any part of the home.

23 (b) No person shall smoke in the home of a foster parent
24 licensed under section 71-1902 that has (i) a foster child younger
25 than thirteen years of age or (ii) a foster child thirteen years of
26 age or older who has asthma or another chronic respiratory
27 condition.

1 (4) Smoking is prohibited in all vehicles owned or leased by
2 the state and in all buildings, and the area within ten feet of any
3 entrance of such buildings, which are owned, leased, or occupied by
4 the state except as provided in subsections (5), (6), and (7) of this
5 section.

6 (5) The following buildings or areas within buildings in
7 which persons reside or lodge may be exempt from this section: (a)
8 Nebraska veterans homes established pursuant to section 80-315; (b)
9 private residences; (c) facilities and institutions under the control
10 of the Department of Health and Human Services; and (d) overnight
11 lodging facilities and buildings managed by the Game and Parks
12 Commission, but no more than twenty-five percent of the overnight
13 lodging facilities at each park location shall permit smoking.

14 (6) Designated smoking areas not to exceed fifty percent of
15 the space used by the public may be established in state-owned
16 buildings at the Nebraska State Fairgrounds that possess a Class C, I,
17 or M license for the sale of alcoholic liquor for consumption on the
18 premises under the Nebraska Liquor Control Act.

19 (7) Smoking may be permitted in no more than forty percent
20 of the residential housing rooms or units owned or leased on each
21 campus under the control of the Board of Regents of the University of
22 Nebraska or the Board of Trustees of the Nebraska State Colleges.

23 Sec. 2. Original section 71-5707, Revised Statutes
24 Cumulative Supplement, 2006, is repealed.