

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 840

Introduced by Quick, 35; Crawford, 45; Hansen, M., 26; Pansing Brooks,
28; Walz, 15.

Read first time January 08, 2020

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend
2 sections 71-5716, 71-5718, 71-5727, and 71-5735, Reissue Revised
3 Statutes of Nebraska; to prohibit the use of electronic smoking
4 devices as prescribed; to define and redefine terms; to harmonize
5 provisions; and to repeal the original sections.

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

1 Section 1. Section 71-5716, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-5716 Sections 71-5716 to 71-5735 and section 3 of this act shall
4 be known and may be cited as the Nebraska Clean Indoor Air Act.

5 Sec. 2. Section 71-5718, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 71-5718 For purposes of the Nebraska Clean Indoor Air Act, the
8 definitions found in sections 71-5719 to 71-5728 and section 3 of this
9 act apply.

10 Sec. 3. Electronic smoking device means any product containing or
11 delivering nicotine or any other substance intended for human consumption
12 that can be used by a person in any manner for the purpose of inhaling
13 vapor or aerosol from the product. The term includes any such device
14 regardless of whether it is manufactured, distributed, marketed, or sold
15 as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any
16 other product name or descriptor.

17 Sec. 4. Section 71-5727, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 71-5727 Smoke or smoking means inhaling, exhaling, burning, or
20 carrying any lighted or heated cigar, cigarette, pipe, hookah, or any
21 other lighted or heated tobacco or plant product intended for inhalation,
22 whether natural or synthetic, in any manner or in any form. The term
23 includes the use of an electronic smoking device which creates an aerosol
24 or vapor, in any manner or in any form ~~the lighting of any cigarette,~~
25 ~~cigar, pipe, or other smoking material or the possession of any lighted~~
26 ~~cigarette, cigar, pipe, or other smoking material, regardless of its~~
27 ~~composition.~~

28 Sec. 5. Section 71-5735, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 71-5735 (1) The owner of a tobacco retail outlet shall post a sign
31 on all entrances to the tobacco retail outlet, on the outside of each

1 door, in a conspicuous location slightly above or next to the door, with
2 the following statement: SMOKING OF CIGARS AND PIPES IS ALLOWED INSIDE
3 THIS BUSINESS. SMOKING OF CIGARETTES AND ELECTRONIC SMOKING DEVICES IS
4 NOT ALLOWED.

5 (2) Beginning November 1, 2015, the owner shall provide to the
6 Division of Public Health a copy of a waiver signed prior to employment
7 by each employee on a form prescribed by the division. The waiver shall
8 expressly notify the employee that he or she will be exposed to second-
9 hand smoke, and the employee shall acknowledge that he or she understands
10 the risks of exposure to second-hand smoke.

11 (3) The owner shall not allow cigarette smoking or the use of an
12 electronic smoking device in the tobacco retail outlet.

13 Sec. 6. Original sections 71-5716, 71-5718, 71-5727, and 71-5735,
14 Reissue Revised Statutes of Nebraska, are repealed.