

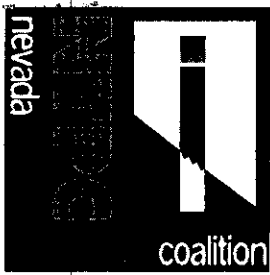
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WORKING FOR A TOBACCO-FREE NEVADA

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Wednesday, May 07, 2003
Assembly Committee on Judiciary
Senate Bill 50

- American Cancer Society
American Heart Association
American Lung Association
Americans for Nonsmokers Rights
Barbara Greenspun
Women's Care Center
Bureau of Alcohol & Drug Abuse
BEST Coalition
Carson City Tobacco Prevention Coalition
Carson Tahoe Hospital
Tobacco Cessation Program
Campaign for Tobacco Free Kids
Clark County Health District
CLASS! Publication
Dan Hart & Associates
FaTSOO
Girl Scout Councils of Nevada
HealthSmart
JOIN Together Northern Nevada
Moore Iacofano Golstamm, Inc.
Nevada Department of Education
Nevada Hispanic Services
Nevada Nicotine Treatment Center
Nevada Public Health Foundation
Nevada State Health Division
Tobacco Control Program
Nevada State Medical Association
Non-Smoking Alliance
Ovarian Cancer Alliance of Nevada
Robert Wood Johnson Foundation
Salud en Accion
Sista to Sista
St. Mary's Health Network
Sierra Health Network
American Medical Association
Smokeless States Program
Southern Nevada AHEC
Stop Tobacco Use In Clark Co.
Teachers Health Trust
UNLV School of Dentistry
UNR Center for Environmental Sciences and Engineering
Vitality Center
Washoe Co. District Health Dept.
Tobacco Control Program
Washoe Co. Tobacco Prevention Coalition
WestCare Nevada
XPOZ

"In Nevada government, as at the national level, power is distributed among three branches of government. While each branch has separate responsibilities, one branch cannot function without the other two branches, and none can function without the consent of the people." (Emphasis added.)

—Guide To The Nevada State Legislature 2003-2004

In November, Nevada voters gave their consent for restoring local control over tobacco and banning smoking in public buildings, especially in places where children frequent.

As it is now, Senate Bill 50 (SB 50) is not in line with the will of the voters, as expressed in the last election cycle. SB50 should be strengthened to include the following:

- 1. A ban on smoking in grocery stores, day care centers, and all areas of restaurants—excluding bars.
2. Local control over youth access issues. Cities and towns should be allowed to take common-sense measures to help keep cigarettes out of the hands of children in the first place. Sample language is listed below.

Legislative intent: local regulations. The Legislature declares its intent not to preempt the field of regulation of youth access, purchase or possession of tobacco. Nothing herein shall be construed to restrict the authority of any county, city, or town to adopt and enforce additional local ordinances, or standards and penalties that regulate the sale or distribution of tobacco products to minors and that comply with at least the minimum applicable standards set forth in this Article.

Some opponents to SB 50 view it as an attack on civil liberties. Nevada Tobacco Prevention Coalition—along with many, many other Nevadans—view it as a health issue, as well as a protection of the freedom of those who choose not to smoke.

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ASSEMBLY JUDICIARY
DATE: 5-07-03 ROOM 3138 EXHIBIT L
SUBMITTED BY: Kendall Stagg

L-1072

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Democratic governments have always recognized that there can and should be a limitation on people's and business' behavior when that behavior affects other people—especially other people's health and safety. Drunken driving laws, health standards for restaurants, pollution restrictions for industry, safety standards in manufacturing—all these are born from an understanding that freedom is not absolute. One shouldn't legally be able to act in a manner that harms others.

Amending SB 50 to ban smoking in public places would not deny the ability of smokers to smoke. But smoking in public places denies the ability of citizens and our children of the right to breathe air that is free of known carcinogens. It is true that cigarettes are legal products. Alcohol and automobiles are legal products as well, and few argue with the wisdom of banning them from being used together in a way that is known to harm others.

Every year in Nevada 300 to 550 innocent victims die of second-hand smoke. There is no other industry where it is acceptable to make the argument that the health of customers' and future generations should be allowed to be jeopardized because it's better for the business' bottom line. We don't allow chemical plants or oil industries to knowingly endanger our health because they can make more money. Grocery stores, day care centers, and restaurants should not be allowed to do that either.

As far as the argument that restoring local control or banning smoking will hurt the bottom line of some businesses, that has not proven to be true anywhere else in the country. Delaware passed a comprehensive clean-indoor air act just days before the U.S. invaded Iraq. Despite a failing economy and severe reductions in travel and tourism, the tobacco industry has finally had to concede that the sky did not fall. Nor, did the sky fall in Florida, Massachusetts, New York City, California, or the thousands of other cities and towns that have banned smoking in public places.

What the Nevada Tobacco Prevention Coalition is collectively requesting is moderate, balanced, and fair. Compared to the other tobacco-control legislation being considered all across the country, our request is minor.

Since January 1, the following 37 states that introduced public place smoking and/or preemption legislation: AL, AR, AZ, CA, CT, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MO, MS, MT, NE, NC, ND, NJ, NM, NV, NY, OK, OR, SD, TX, VT, WA, WI, WV. And, since January 1, the following states have enacted legislation: ND SB 2297, NY SB 3292, MT HB 758.

While the Nevada legislature has made steps in the past towards protecting citizens from second-hand smoke, Nevada is still woefully behind. Our children smoke more than kids in any other state. Nevadans suffer more from tobacco-related disease and death than any other state in the nation.

Please, support and **strengthen** Senate Bill 50.

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