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Breathe....
Nothing Else
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Friday, February 7, 2003
Senate Committee on Judiciary
Nevada State Legislature

Good morning Mr. Chairman and Members of the Committee:

The American Lung Association strongly supports the passage of SB 50.

Local control is the cornerstone of good tobacco control policy. The most comprehensive and effective tobacco laws have historically been enacted at the local level. Consequently, the tobacco industry's number one tactic over the years has been to strip localities of their ability to pass and enforce strong tobacco control laws.

In Nevada, more of our children will ultimately die from smoking than alcohol, illegal drugs, murder, suicide, AIDS, and car accidents all combined. This problem is largely exacerbated by Nevada's "preemption" law – NRS 202.249 Sec. 4. Preemption explicitly prohibits local communities from taking common sense measures to protect their children from tobacco-related disease and death.

For example, in December 2001, in an effort to protect a severely asthmatic band student from being exposed to second-hand smoke during high school football games, the Clark County School District unanimously backed the idea of a smoke-free schools policy. It is worth noting that proposed policy the school district wanted to pass already exists in North Carolina, which is a tobacco growing state. Unfortunately, under Nevada state law, preemption prohibited the Clark County School Board from adopting this policy and from protecting their students.

Preemption prohibits counties from voluntarily increasing their youth access laws. And, for years, preemption has kept city councils in Nevada from passing clean indoor air ordinances even in places frequented by children. For example, the passage of any kind of clean-indoor air ordinance at the local level is illegal in Nevada—even such common-sense measures as banning smoking in all areas of grocery stores, video arcades, and even day care centers are prohibited by preemption.

Nevadans have local control over alcohol, gaming, and prostitution—yet, not tobacco. This gratuitous denial of local control over tobacco is repugnant to Nevada's ideal of local control and hazardous to our health.

Preemption is nothing more than a tobacco industry relief measure. There is absolutely no valid reason for it to be on our books. The American Lung Association strongly opposes preemption of local tobacco-control authority.

**Please, help us protect our kids.
We strongly urge you to vote in FAVOR of SB50.**

EXHIBIT I Senate Committee on Judiciary

Date: 2/7/03 Page 1 of 1