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RE: BDR 50 NRS 202.249 Preemption

I am a lung cancer survivor... for now.

My name is Martin Herman. I was brought up in the 40's in the Bronx. I attended Manhattan School of Music and graduated from Hunter College. My mother use to send me down to the market at 170th and Ogden Ave. with 25 cents to buy her a pack of cigarettes.

Everyday of my young life I was subjected to second hand smoke. Both of my parents were heavy smokers. Probably that's why neither my sister nor I ever smoked. I did not escape this smoke filled atmosphere until my late teens; when my parents quit smoking.

By then I had my own band, Marty Herman and his Orchestra, and worked the night clubs in and around New York City. We even played a Las Vegas lounge in the 50's. Once again I was exposed nightly to second hand smoke.

Evidently the damage to my genes and whatever predisposition I had laid dormant for many years.

In 1998 during a routine lung x-ray, for a chest cold, doctors found one large tumor located between the lobes in my left lung. The biopsy came back as malignant.

The very first question that the doctors asked me was, "if I had ever smoked," only after asking me if I had ever smoked did they go through my life history- to try and find a reason for my lung cancer.

Then after hearing my life and medical history, every doctor pinpointed my exposure to second hand smoke, as the probable cause of my lung cancer.

My left lung was removed after months of painful radiation and extensive chemotherapy. Luckily I didn't have the nausea associated with chemo- but my hair came out in clumps - plus if you can imagine for a moment putting a piece of aluminum foil in your mouth and then chewing it --that's the kind of metallic taste you have every time you eat anything -- while you are on Chemo.

My surgery, radiation, and chemo costs over \$125,000. Luckily I had insurance that covered most of the cost.

Think for a moment of the thousands maybe tens of thousands of Nevadans who are without adequate insurance – and what those costs have been and will be to the State of Nevada .

Current runaway costs of health insurance premiums are often linked to the extensive treatment needed to combat the ill effects of smoking: including chemotherapy, radiation, and the removal of lung tumors-- not to mention long term nursing care for those too debilitated to ever work again.

Every time you walk thorough the entrance of our Nevada supermarkets, drugstores and casinos you and your children and grandchildren may be at risk from the effects of second hand smoke

I am here to remind you of the importance of rescinding NRS 202.249, also known as “preemption”.

In my opinion the ability to enact laws regulating smoking should be relegated to local health departments and not rest in the political atmosphere of the state legislature.

Remember, second hand smoke is not a nuisance it is a killer.