

student who passes one of these things to another student in the lunchroom and there is no intrinsic harm or damage that is going to be done even if the student utilizes this. I hope you'll look at the amendment and I hope you'll adopt it.

PRESIDENT: Thank you, Senator. The Chair recognizes Senator Landis. We will have order in the Chamber, please, so we can hear the speaker. (Gavel.) Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I am going to ask for a division of the question, the reason being, reading the Chambers amendments to the green copy of the bill, I find myself in agreement with one and three and in disagreement with amendment number two. The effect of amendments one and three are to draw together the obligations to find knowing and intentional actions for the manufacture, distribution and possession of these look-alikes and amendment three is to put together the obligation to possess, deliver or manufacture with the obligation that, by their appearance, they would mislead a reasonable person into believing them to be a controlled substance. The section of the amendments that I find questionable is the addition to what is a traditional legal standard, the reasonable person. With an additional factual finding that I think makes difficult to enforce, and in this case I concur with Senator Hoagland, the entire bill, one would have to show that a reasonable person would be misled, and in addition, a reasonable person who was knowledgeable of controlled substances. If the bill is designed to protect in part the innocent party or the ultimate purchaser of these kinds of drugs, it seems to me that you want to leave in the term "reasonable person" alone. That is a term courts have a long history of applying. I have never heard the term "reasonable person knowledgeable of controlled substances" used before. The factual content of that phrase I am unfamiliar with and it seems to me that if there is to be protections it should be for all people, at least the people who would meet the standard of reasonable person, not reasonable people knowledgeable of controlled substances. The situation that Senator Chambers describes of the unknowing intermediary is taken care of by his amendments one and three. That, to me, is the most sensible objection that Senator Chambers makes. I intend to support him on that, but the addition of a new requirement on what has been traditionally a clear standard, a usual standard, that has