

SENATOR FELLMAN: Yes.

SENATOR FOWLER: Do you know the penalty for selling marijuana? In any amount, is that a felony?

SENATOR FELLMAN: It is a misdemeanor in a small amount.

SENATOR FOWLER: Do you think that it should be a felony for a person selling alfalfa? In place of a marijuana?

SENATOR FELLMAN: No

SENATOR FOWLER: In fact selling the original substance would be a lesser penalty?

SENATOR FELLMAN: No, I would agree, I haven't studied this amendment, we talked about this Senator Fowler the other day. About whether an offense of selling a small quantity of marijuana which is today a misdemeanor would become a felony through this device. If that is the case, I would support an amendment to leave the illegal sale of a substance, that is supposedly marijuana that doesn't test out to be marijuana a felony. I would agree that this should not make a higher offense or be a way to trip a switch so to speak in...and allow a misdemeanor to become a felony. If you would propose, and if that is the case, and you want to propose that amendment, I would support it to that limited extent. I don't see the problem here primarily as one of marijuana. It is much more one of the serious drugs including heroine. That is the substance of the bill as I see it.

SENATOR FOWLER: Do you think that it should be a felony if the person is not a dealer in heroine but simply goes out and tries to sell sugar at some point and get caught should that be a felony too?

SENATOR FELLMAN: Yes, it would seem to me that it is.

SENATOR FOWLER: OK.

SENATOR FELLMAN: If he represents it to be heroine, because he is dealing in drug traffic, he is right in the middle and encouraging the whole commercial enterprize which I think is illegal and detrimental.

SENATOR FOWLER: OK, that is all of the questions that I had. I would have to disagree with Senator Fellman on the last point. I think that the penalty is far to harsh, for a person who may decide to sell some sugar to try and make a little money and get a felony offense on his record. If we are interested in criminal reform and getting people back into society, then I don't think that we should slap a prison term on a person for this sort of charge. On the marijuana question, obviously Senator Fellman pointed out that the bill itself is too harsh, if you sell a phony substance as marijuana. I think that the bill needs further work, and I think that another session might help it if indeed there is any great demand for this bill at all. I think that it should be killed for this session.

PRESIDENT: Is there any further discussion of Senator Cavanaugh's motion now to indefinitely postpone....Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the legislature, I