

of separating that out? You said reasonable or something like that.

SENATOR HOAGLAND: What we tried to do in committee, Senator Smith, is we gave some consideration to charging the manufacturers of tons of these pills or crates of these pills with a higher grade offense than the kids that are selling them in Burke High School, say. And the reason we chose not to do that is because unlike the heroin and cocaine and marijuana laws where you can draw the line and announce or draw the line at a gram, since these look-alike drugs take so many different forms, if you look at the advertisement, so many different substances, so many different kinds of pills, we couldn't come up with a reasonable way of distinguishing between quantities. Would it require, if it is more than a crate, is it a Class IV felony? Under a crate, a Class I misdemeanor? See my point? There is no easy way of drawing a line so what we decided to do is keep the penalty low, keep it a low grade, three month misdemeanor which is about as low grade as you can get...

PRESIDENT: One minute, Senator Smith.

SENATOR SMITH: Thank you.

SENATOR HOAGLAND: ...for everybody, recognizing that if there was any pressure on the floor it was going to be to raise the penalties, but I think the co-sponsors of the bill are satisfied that a low grade, three month misdemeanor is going to be more than sufficient to put the large scale manufacturers out of business and it is certainly more than sufficient to give the juvenile court jurisdiction over these high school kids that are selling them in the high schools. Did I answer your question?

SENATOR SMITH: You're not still answering totally what I would like to hear though because you keep saying selling and, see, I'm thinking about all those kids out there that would like to be like everyone else maybe and they just think they are smart and maybe have a few in their pocket and they're giving them to their friends. I would classify that kid as a different kind of a young person than someone who has the intent to sell those even though he may be another young person.