

not a judge. People under 18 have been processed as adults and he keeps talking about the drug laws, but this is not a drug law. These are not controlled substances, they are not in those schedules and the bill says that the only way for this bill to apply is if not be a controlled substance. If it is a controlled substance, it comes under the drug laws. So when Senator Hoagland dances as he has about the issue, he keeps talking about the drug laws to give the impression that that is what we are talking about. It's not. Now when Senator Pirsch says knowingly or intentionally is old language, she and none of the rest of them wants you to realize that you are putting an entirely new concept into the statute where a substance which is not illegal, which cannot be demonstrated to cause any harm is made illegal. And if a student or anybody passes one of these to another person, he or she has violated this law. Now, Senator Hoagland, I'd like to ask you a question. Let's set up two categories so that you'll understand what I'm asking you. One is going to deal with a student who actually transfers one of these pills to another student. We've got an actual case. Now we'll come down to how we determine whether or not that person is going to come under the operation of this bill and that is by determining whether this is a look-alike that would be dealt with by this bill. Would you agree with that so far? We've got to determine whether this is a look-alike. Okay, now the way we determine that is not really by the color or anything else, but what a reasonable person's perception of this would be based on those things. Isn't that correct?

SENATOR HOAGLAND: All right.

SENATOR CHAMBERS: Okay. So if we have something where the color, texture and so forth, in and of itself, would not confuse somebody who is dealing in this, but a reasonable person drawn from a concept of what the average person in society would think could believe that this is a look-alike whether it really is or not, couldn't they? And that would be enough to make it a look-alike if reasonable people thought it was. I know nobody has listened, but I want some things into the record. This bill is crazy. It is typical of the bludgeon, broadaxe approach of the federal government when they are going to dump something on the states which they themselves cannot handle. Senator Hoagland, are there federal laws against drug dealing or is that strictly a state matter?