

on the change from "or" to "and" in line 5 of page 4 and what the difference that makes is simply this. Under the bill, under the green copy of the bill, the way it originally was before the Chambers amendment, if somebody came up to you and said, here, this is a controlled substance, do you want to buy it? That is an offense. Or, or if he came up to you and didn't say that, but just handed you this thing which by appearance would leave that buyer to think that it was a look-alike substance, he committed the offense. Okay, he didn't have to say anything at all. One, he could represent it or, two, he could just hand over something that looked like it and both of those are offenses. Now if you change this to "and", then he is going to have to both say that it is a controlled substance and it is going to have to look like it. So you will miss those cases where somebody walks up and says, hey, look at this little thing here, want to buy it? It'll do you a lot of good, it'll get you real high. He doesn't represent that it is a controlled substance. He just says, he uses other language. If you use "and" you're going to make this statute more difficult to use. I think that is basically the policy choice.

PRESIDENT: Senator Hoagland.

SENATOR HOAGLAND: Let me just say briefly that the amendment that we just adopted doesn't make a lot of difference, whether it is knowingly or intentionally or knowingly and intentionally doesn't matter because the courts are going to impose a high standard of criminal intent in any criminal law anyway. This amendment does make a lot of difference because if you require a misrepresentation and an appearance before the act is controlled by this particular law, then you're going to make enforcement much more difficult. And this has nothing to do with the issue, by the way, that Senator Landis raised in his excellent closing. Senator Landis is talking about a different issue that is not raised by these amendments. Now as I indicated earlier, if this amendment is adopted, all the advertisers have to do is put a disclaimer on these ads saying we're not making any representations these are controlled substances and they are going to be able to continue to do business. This is a serious amendment. If you adopt this amendment they put the disclaimers on the ads and they continue business as usual. So I would urge you to vote against this amendment.