

to best describe that I need to give an analogy and that analogy is this. What would the majority of doctors do under similar circumstances? It is that simple. What would the majority do? We are talking about such terms as sound, such terms as standard. If you go to a doctor and you are complaining of inflamed tonsils, you can't swallow, you have difficulty in talking, what is that doctor going to do? The first thing you think the average doctor is going to perform a tonsillectomy? Hardly. I am sure that the average doctor would probably give you some kind of medication, maybe aspirin, require some water, plenty of liquids, rest. I guess what is going to happen with 316 will happen. It is obviously in the planning stages, has been in the planning stages, and I think whatever efforts sincere people, the attempts that sincere people will make on this particular piece of legislation are almost an effort in futility. If there are any questions, Mr. Speaker, I am sure there will be, I will be happy to answer them. If not, then I move the amendments.

SPEAKER MARVEL: The Chair now recognizes Senator Chambers and then Senator DeCamp. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I want to thank Senator Venditte for giving me that recognition which I do feel I richly deserve. I think his amendments are atrocious. I think they will make the bill unconstitutional, and for that reason I am going to support them, Senator Venditte. You are a co-sponsor of the bill. You are not on it any more? Senator Venditte is not on the bill. Let me correct the record. He is staunch in his point of view on this matter but he is misinformed as to what constitutionally may be done. However, that has never been an impediment to doing anything in this Legislature. His amendments do introduce notes of great vagueness into this criminal statute and vagueness and criminal statutes cannot stand together when a constitutional scrutiny is made of the bill. I don't believe, Senator Venditte, that we have a situation here such as that would be found if somebody were seeking care for tonsils because you are not dealing there with a criminal sanction to be imposed on a doctor making a mistake of judgment. Perhaps, he or she would subject himself or herself to civil liability, and if civil liability were the issue here, then a definition that was based on what the majority of doctors in a given area under certain circumstances might do could perhaps pass muster. But the Supreme Court, and I don't really know why I go through this, this is an incredible time of the session but I am going to do it anyway. The