

January 14, 1989

LB 382

SENATOR CHAMBERS: Let us show concern for the children who are here.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Briefly, Mr. President, to answer a question that was raised earlier with respect to the Rutherford decision and I would read from the United States Law Week dated 6/19/79. "In the instant case", this is quoting the Supreme Court decision, "In the instant case we are persuaded by the legislative history and consistent administrative interpretation of the act that no implicit exemption for drugs used by the terminally ill is necessary to attain congressional objectives or to avert an unreasonable reading of the term "safe and effective", subsection 201Pl." This, Senator Venditte, means that the Supreme Court has not waived, in fact has rejected and is upholding the Food and Drug Administration act. Part of the Food and Drug Administration act does prevent interstate transportation of drugs which are not safe and effective and which are not approved. Laetrile is currently a drug according to the Food and Drug Administration which is not safe, not effective, and irrespective of the actions of the Legislature of the State of Nebraska, it will be in conflict with federal law to transport apricot pits or laetrile in interstate commerce and, therefore, I believe the question raised by Senator Hoagland could be answered as follows, that this act would apply only internally in Nebraska. All laetrile would have to be manufacture, processed, grown and so forth here. I raised that to answer the question that was raised earlier and show you another reason why...should refuse to answer this bill. Twice today, and unfortunately, Senator Venditte, you have not been able to answer questions raised by your colleagues about what the effects of this bill are, and if you, the chief sponsor and most ardent proponent of this bill cannot answer these questions, then I think it would be unwise of us to advance the bill. One last comment and then I will speak on this issue no more. When I was in the United States Merchant Marine Academy, I recall as a plebe attending a lecture on the honor code of the Merchant Marine Academy. The honor code of the Academy says simply that a midshipman will not lie, cheat and steal and I recall an upperclassman who said there will be times when you may have to testify against a classmate or admit something you don't want to admit, that the truth is painful, but in the long run, in the long run, dishonesty is considerably more painful. There is no doubt that it is difficult to tell someone who is dying from cancer that