

SENATOR NELSON: "The nitrosamine content in snuff ranges from 5,200 to 141,000 parts per billion." Now listen to this, "Nitrosamines in bacon, a by-product of curing, are limited by FDA to only 5 parts per billion." Just think of it, we eliminate bacon at only 5 parts, and we turn our back to a product like this distributed and given to our kids. And two wrongs don't make a right. If we give it or the kids pick it up, so what, we couldn't stop them from that. We tested the constitutionality. I don't think it has ever been challenged, but it is patterned after Minnesota. I have a ruling from the Attorney General last year that the bill was... there was nothing wrong with it, and it is primarily the same bill. I, also, in addressing the amendment, I notice that on page 2, then, when they went on Section 3, "Evidence of distribution of smokeless tobacco products to the general public shall be prima facie evidence of distribution for promotional purposes." There was a reason they took that out. I urge the body to reject this amendment. It is just a way of beating around the corner to kill the bill.

PRESIDENT: Thank you. Senator Dierks, then Senator Hall.

SENATOR DIERKS: Thank you, Mr. President, members of the body. I was very happy to hear Senator Bernard-Stevens at one point during his testimony say that we should support the bill as is. There were a few other adjectives around that but that is what he said, and I am glad the teacher of the year agrees with me on that. The amendment, as introduced, would put the onus on some of the teachers out there. If they found these youth on their school yards with tobacco in their possession, it would be their responsibility to report these youth because they would be guilty of a misdemeanor, and the teacher, I think, would be just as guilty if she didn't report that youth. For your information, we have had an Attorney General's Opinion rendered on the bill as introduced last year, which is, essentially, the same bill we have introduced this year, and the Attorney General's opinion was it was constitutional. So we are not operating from the dark, constitutionally. We need to remember, also, that what we are after is stopping the addiction, and we stop the addiction by keeping it from the youth. Once the youth have sampled this stuff, they are hooked. We, in no way, restrict trade. This is not antitrust. There is nothing about this that says the tobacco industry can't go ahead and sell their products. It just says they cannot give them away to the