

SENATOR BERNARD-STEVENS: Correct.

SENATOR LANDIS: All right, now the argument for the Bernard-Stevens amendment has been this attacks the issue of smokeless tobacco for kids. If you listen to those four, however, there is not a prohibition against giving a sample to a minor. Read the amendment. There is not a prohibition in any of those four sections against giving a sample to a minor. It says you can't have a promotional campaign that doesn't put on the face of it that it is not open to minors. In other words, at the stand that hands out samples, they have got to put up a notice that says, not available to minors. Minors don't come here. If you come here, we are not supposed to give it to you. But if a minor comes and says I would like a free sample, as I read subsection (3), it says if I have simply said this offer is not available to minors but I, in fact, give them a sample, I have not committed a crime, and I do want to give you a chance to see if that is correct or not, because if there is some language there, I want to know what it is, Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Senator Landis, and it may not be in the section that you would like, and if you would like to add it to Section 3, that is fine. I go to Section 7, lines 1 through 5, and I am on page of the Journal, 494, and I am going 1 through 5 at the bottom, "Any person who sells, gives, distributes as defined in section 2 of this act, or furnishes in any way, any tobacco in any form whatsoever, or any cigarettes, or cigarette paper, to any minor under eighteen years of age, shall be guilty of a Class III misdemeanor for each offense."

SENATOR LANDIS: And that person happens to be the local person who is standing there hired by a firm to pass out the samples?

SENATOR BERNARD-STEVENS: That would be any person who is in violation of giving a sample or a product to a minor.

SENATOR LANDIS: Right, and isn't it quite common that what you have here is you have a local person or if we...it is like a person who sells the cigarettes at a store, it is not the Raleigh Company that is guilty of selling the tobacco to the minor, it is the store owner who is selling the tobacco to the minor, as in this case, it would be the probably local person who is manning the booth for the company passing out the