

samples. That is the person who is criminally liable?

SENATOR BERNARD-STEVENS: In some cases, that is correct. In other cases I am more familiar with, the company themselves comes in with their people in order to sell their product on that particular event, and it would be a person, not only of the company but representing the company.

SPEAKER BARRETT: One minute.

SENATOR LANDIS: Okay, it seems to me that if what we want to do is have a level of responsibility for manufacturers, there is another additional element of manufacturer responsibility that is not present in the Bernard-Stevens amendment, although I did hear some openness on that point. I will tell you my difficulty and that is as I look at the Bernard-Stevens amendment, I think the mail-in is still a problem, and it seems to me that the manufacturer is not made responsible for the act of giving a sample, or getting a sample into the hands of kids. That is a problem for the Bernard-Stevens amendment. On the other hand, if I look at 48, I have to confess this simply outlaws all samples that are given whether it is to an adult or to a child. I admit to the notion that it is a mistake to have a free sample given to a child.

SPEAKER BARRETT: Time.

SENATOR LANDIS: Our remedy here seems to be to say there will be no free samples for anyone and, unfortunately, we permit the risk of tobacco for adults. I think it is a little overreaching as well. I guess I am someplace in the middle and scratching my head.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Very briefly, Mr. Speaker, I would again rise in support of the bill as it is currently standing and oppose the Bernard-Stevens amendment. Following up on Senator Landis's concerns, I think rightfully there is a concern here about how we address this issue. I tried to say that the reason this is broader than probably that the issue at hand is how do you enforce it, how do you carry it out by doing the sort of things Bernard-Stevens says. How do you check the age? How do you make sure that kids don't get it? And because of the fact that the committee found that that is very hard to enforce, they have