

SENATOR ASHFORD: ...I don't know what to do about this amendment. I...I think we're getting away from the...from the bottom line here and we're pandering to the lobby and we're doing exactly what the lobby wants us to do. And, for that, I just...I'm disgruntled by this whole debate. Thank you, Madam President.

PRESIDENT MOUL: Thank you, Senator Ashford. Senator Lindsay.

SENATOR LINDSAY: Thank you, Madam President. I've got some concerns with the amendment but I guess I would preface it by I do support the concept of trying to...of trying to keep the cigarettes out of the hands of kids. The issue...I guess I would raise what Senator Chambers had touched on a little bit in his discussion with Senator Moore is the question of legalizing marijuana and some of the other types of questions. I guess I would just...I just suggest that where I'm coming from anyway is that we do not intend to make the sale of cigarettes to adults illegal. We do not intend to prohibit or to make illegal cigarettes, and if that's the case, let's limit what we're doing to keeping cigarettes from kids and that is, I think, a good approach. The question I have with the amendment is what Senator Schellpeper touched on a little bit and I don't know if that's...if that makes the amendment unenforceable or not, but I think the main thing is that it's that portion of the amendment causes a problem at least in the criminal prosecution area. This does make for a criminal prosecution, a misdemeanor, for sale in this manner and I think the term, as Senator Schellpeper touched on, the term "room" is rather...is rather vague. Senator Schellpeper and her aide have been trying to see how the Liquor Commission interprets the...actually the two terms that Senator Schellpeper touched on, and they indicated that it is not now defined in statute and regulations, but that they do know what it means. The problem is...and I'm sure that's the case, the problem is do the licenseholders know what it means when we get into a case of criminal prosecution. And I suggest that I think we've got a problem with that, at least on the criminal prosecution. When we move on down to the question of repealing the license or revoking the license, I should say, if the standard is a clear and convincing evidence standard rather than a reasonable...beyond a reasonable doubt standard, there may...there still may be a problem. I don't know if it's as big a problem but it's still a question on whether the terminology is vague. With that, I guess, I just expressed my concerns with