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SENATOR CHAMBERS: Okay, now the change that you're making is that the possession alone constitutes a crime, doesn't it?

SENATOR BERNARD-STEVENS: Right. In fact, let me read the exact section so you don't have to go through the cross-outs; 28-1418 now states, right now, tobacco use by minors penalty, it says, whomever being a minor under the age of 18 years shall smoke cigarettes or cigars or use tobacco in any form whatever in this state shall be guilty of a Class V misdemeanor.

SENATOR CHAMBERS: And what you...and the reason I want to get it from you, to make it clear that what I said is correct, you are making possession a crime.

SENATOR BERNARD-STEVENS: That is correct.

SENATOR CHAMBERS: And, members of the Legislature, that is why I'm objecting so strenuously.

PRESIDENT ROBAK: One minute.

SENATOR CHAMBERS: Adults can have their child or some minor transport cigarettes. If a child picks up cigarettes in the house, if a child picks up a cigarette butt in a store, if the job is to sweep the store and the child scoops up cigarette butts, that's a crime. You have to look at what the law actually criminalizes and not just say, my intent is to help the store owners, or whoever the amendment is for, and Senator Bernard-Stevens will tell us that.

PRESIDENT ROBAK: Thank you, Senator Chambers. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Madam President, members of the body, this is one of the issues that Senator Chambers and I simply disagree on. We have, for example, if you have a minor and they take something from a store, the actual act of taking, which would be similar to the actual act of smoking, it is against the law. However, if I...if the same child takes something and is not seen in a store, possesses it on his person as he's walking around the store and it's hidden, and the store operator finds out or whomever is spying in the sky up there sees that and they catch the person with something in their purse or on their person, that is against the law. When you have a minor who takes an illegal substance, such as a drug, if