

Legislative Analysis



CIVIL ACTION FOR METH WEBSITE

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Senate Bill 1119

Sponsor: Sen. Gerald Van Woerkom

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 5-9-06

A SUMMARY OF SENATE BILL 1119 AS PASSED BY THE SENATE 3-29-06

The bill would amend the Revised Judicature Act (MCL 600.2975) to create a civil action against anyone who published on the Internet instructions for making the drug methamphetamine. Under the bill, the attorney general could bring an action against a person who developed or maintained a website or page on a website for the purpose of publishing instructions for the manufacture or creation of methamphetamine (meth) or information on how to obtain substances used in the manufacture or creation of meth.

A court could order one or more of the following forms of relief:

- Injunctive or other equitable relief, as appropriate.
- Actual damages sustained by the state or its residents caused by the publication.
- Punitive damages that the court determined to be just and equitable.
- Actual attorney fees and costs.

An exception would be made for websites providing information on substances used to make meth but not intended to instruct users to make meth with those substances. In particular, the bill would not apply if the published information was only on how to obtain substances that may be lawfully possessed in the state and the purpose of the website was to provide information on obtaining the substances only for lawful purposes and in a lawful manner.

"Internet" would be defined in the bill as meaning that term as defined under federal law (47 USC 230). "Methamphetamine" means that term as defined in the Public Health Code (MCL 333.7214). "Website" would mean a collection of pages of the world wide web or Internet, usually in the HTML format.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the judiciary; any fiscal impact would depend on the number and complexity of lawsuits brought under the bill.

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