

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

394H0698

## SENATE BILL NO. 175

Introduced by: Senators Hutmacher, Dennert, Hagen, Koetzle, McIntyre, Moore, Sutton (Dan), and Symens and Representatives Olson (Mel), Bartling, Bradford, Burg, Elliott, Flowers, Hanson (Gary), Hargens, Hundstad, Lange, Nachtigal, Peterson (Jim), Sigdestad, Valandra, and Van Norman

1 FOR AN ACT ENTITLED, An Act to provide for civil liability for certain personal injuries  
2 relating to the internet posting of certain inherently dangerous information.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. If any person posts on any internet site which is readily accessible to the public:

5 (1) Any formula or set of instructions for the manufacture or production of any illegal  
6 drug or chemical;

7 (2) Any formula or set of instructions for the manufacture or production of any explosive  
8 or any bomb or explosive device; or

9 (3) Any formula or set of instructions for the manufacture or production of any  
10 biochemical or biotechnical weapon;

11 that person is civilly liable to any person suffering any personal injury proximately caused by any  
12 such illegal drug or chemical, explosive, bomb, or explosive device, or biochemical or  
13 biotechnical weapon that was subsequently manufactured or produced by any third person who  
14 accessed that internet site and who acquired some or all of the knowledge necessary to



1 manufacture or produce such illegal drug or chemical, explosive, bomb, or explosive device, or  
2 biochemical or biotechnical weapon.

3 Section 2. Any person who posted the information proscribed in section 1 of this Act is liable  
4 to the injured party under the circumstances described in section 1 of this Act regardless of  
5 whether the injury was caused by:

6 (1) The third party who manufactured or produced such illegal drug or chemical,  
7 explosive, bomb, or explosive device, or biochemical or biotechnical weapon through  
8 the use of such illegal drug or chemical, explosive, bomb, or explosive device, or  
9 biochemical or biotechnical weapon;

10 (2) Any person who comes into possession of any illegal drug or chemical, explosive,  
11 bomb, or explosive device, or biochemical or biotechnical weapon manufactured or  
12 produced by the third party through the subsequent use of such illegal drug or  
13 chemical, explosive, bomb, or explosive device, or biochemical or biotechnical  
14 weapon; or

15 (3) Any direct or indirect contact between the injured party and any illegal drug or  
16 chemical, explosive, bomb, or explosive device, or biochemical or biotechnical  
17 weapon manufactured or produced by the third party, unless, and except to the extent,  
18 that the injured party may have been contributorily negligent.

19 Section 3. Any injured person who purchased the illegal drug or chemical, explosive, bomb,  
20 or explosive device, or biochemical or biotechnical weapon by which he or she was subsequently  
21 injured is barred from recovery, regardless of whether or not the purchase was legal or illegal if  
22 the purchaser knew or should have known the inherently dangerous nature of the purchased  
23 material or product.