

OBSOLETE LAWS: IMMORAL ADS

House Bill 5632 as introduced
Sponsor: Rep. Mickey Mortimer

House Committee: House Oversight and
Operations
First Analysis (11-29-00)

THE APPARENT PROBLEM:

A number of bills have been introduced in both the House and the Senate to repeal obsolete statutes or obsolete provisions within statutes based on a study carried out by the Senate Law Revision Task Force. The task force issued its report on December 16, 1999, describing the laws it has targeted for repeal and providing the rationale for repeal. Among the targeted laws is one that makes certain kinds of "immoral advertising" a misdemeanor.

THE CONTENT OF THE BILL:

The bill would repeal several provisions in the Penal Code making certain kinds of "immoral advertising" misdemeanors. Among other things, the provisions prohibit newspaper and circular advertisements containing the words "lost manhood", "lost vitality or vigor", or "other expressions synonymous therewith".

The provisions also prohibit the advertisements of patent and other . . . medicines "in language of immoral tendency or of ambiguous character" on cards, bills, or posters.

MCL 750.34-750.37 and 750.39

BACKGROUND INFORMATION:

For a fuller discussion of the wisdom of repealing obsolete laws, consult the report of the Senate Law Revision Task Force; the Senate Fiscal Agency's analysis of Senate Bill 1055 (et al.) dated 3-27-00; and the House Legislative Analysis Section analyses of Senate Bills 1058-1060 dated 4-19-00, House Bill 5592 (et. al.) dated 4-25-00, and House Bill 5582 (et al.) dated 5-2-00, among others.

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that to the extent that the bill only eliminated obsolete sections of law or sections that are unenforced or unenforceable, it would have no significant fiscal implications. (HFA fiscal note dated 11-27-00)

ARGUMENTS:

For:

The bill would repeal provisions in the Penal Code regarding "immoral advertising" identified as obsolete by the Senate Law Revision Task Force. The task force report says that the three sections being repealed or modified were "of general concern when the initial law was adopted in 1867, but the sale of patent medicines has ceased while the reference to 'lost manhood' no longer carries the same connotation, as evidenced by Bob Dole's Viagra advertisements."

POSITIONS:

There are no positions at present.

Analyst: C. Couch

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