



February 25, 2005

HOUSE BILL No. 1791

DIGEST OF HB 1791 (Updated February 23, 2005 11:12 am - DI 92)

Citations Affected: IC 24-5.

Synopsis: Unsolicited commercial electronic mail. Requires a person that sends unsolicited commercial electronic mail after June 30, 2005, to provide a link to an electronic mail address or a web site that allows the recipient of the mail to directly access the address or web site to communicate a request to: (1) have the recipient's electronic mail address removed from the sender's electronic mail address lists; or (2) opt out of receiving further messages from the sender.

Effective: Upon passage.

Grubb, Alderman, Micon, Borrer

January 19, 2005, read first time and referred to Committee on Technology, Research and Development.
February 24, 2005, reported — Do Pass.

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HB 1791—LS 7778/DI 101+



February 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1791

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 24-5-22-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A person may
3 not do any of the following:
- 4 (1) Send unsolicited commercial electronic mail and fail to use
5 "ADV:" as the initial four (4) characters in the subject line of the
6 electronic mail. This subdivision does not apply if any of the
7 following apply:
- 8 (A) The sender of the electronic mail has a current business
9 relationship with the recipient of the electronic mail.
10 (B) The sender of the electronic mail is an organization using
11 the electronic mail to communicate with its members.
12 (C) The sender of the electronic mail is an organization using
13 the electronic mail to communicate exclusively with the
14 organization's employees or contractors, or both.
- 15 (2) Send unsolicited commercial electronic mail and fail to use
16 "ADV:ADLT" as the first eight (8) characters in the subject line
17 of the electronic mail if the unsolicited commercial electronic

HB 1791—LS 7778/DI 101+



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mail is any of the following:

(A) The unsolicited commercial electronic mail contains a solicitation for the sale or lease of services or tangible or intangible personal or real property that may not be purchased, leased, or possessed by a minor under Indiana law.

(B) The unsolicited commercial electronic mail contains a solicitation for an extension of credit.

(C) The unsolicited commercial electronic mail contains matter that is harmful to minors under Indiana law.

(3) Send unsolicited commercial electronic mail and fail to provide a means for the recipient easily and at no cost to the recipient to remove the recipient's name from the sender's electronic mail address lists. **After June 30, 2005, the means provided under this subdivision must include an electronic link, in the text of the message or in an attachment to the message, to a web site or an electronic mail address that allows the recipient to directly access the web site or electronic mail address to communicate the recipient's request to:**

(A) have the recipient's electronic mail address removed from the sender's electronic mail address lists; or

(B) opt out of receiving further commercial electronic mail messages from the sender.

(4) Send unsolicited commercial electronic mail to a recipient who has asked the sender to remove the recipient's electronic mail address from the sender's electronic mail address lists.

(5) Provide to a third person the electronic mail address of a recipient who has asked the sender to remove the recipient's electronic mail address from the sender's electronic mail address lists. This subdivision applies to a third person who is a part of the sender's business organization. This subdivision does not prohibit providing a recipient's electronic mail address to a third person for the sole purpose of inclusion of the electronic mail address on a do-not-mail list.

SECTION 2. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1791, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MURPHY, Chair

Committee Vote: yeas 10, nays 0.

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