

DRUG DEALER LIABILITY ACT (EXCERPT)
Act 27 of 1994

691.1607 Action against participant in illegal marketing of market area controlled substance; person injured by individual abuser; burden of proof; presumption.

Sec. 7.

(1) Other than an individual abuser, a person injured by an individual abuser may bring an action for damages against a person who participated in illegal marketing of the market area controlled substance used by the individual abuser. In an action brought under this section, participation in illegal marketing shall be proven by clear and convincing evidence.

(2) If the plaintiff in an action under this section proves a defendant's participation in illegal marketing of a market area controlled substance and the plaintiff is 1 of the following, the defendant is presumed to have injured the plaintiff and to have acted willfully and wantonly:

- (a) A parent, legal guardian, child, spouse, or sibling of the individual abuser.
- (b) A child whose mother was an individual abuser while the child was in utero.
- (c) The individual abuser's employer.
- (d) A medical facility, insurer, governmental entity, or other legal entity that financially supports a drug treatment or other assistance program for, or that otherwise expends money or provides unreimbursed service on behalf of, the individual abuser.

History: 1994, Act 27, Eff. Apr. 1, 1994