

**SUBSTITUTE FOR  
HOUSE BILL NO. 5174**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 16 and 18 (MCL 750.16 and 750.18), section  
16 as amended by 2002 PA 672.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 16. ~~A person who fraudulently adulterates, for the~~  
2 ~~purpose of sale, any drug or medicine so as to render the drug or~~  
3 ~~medicine injurious to health is guilty of a misdemeanor~~  
4 ~~punishable by imprisonment for not more than 1 year or a fine of~~  
5 ~~not more than \$1,000.00.~~

6       (1) A person shall not knowingly or recklessly adulterate,  
7 misbrand, remove, or substitute a drug or medicine so as to  
8 render that drug or medicine injurious to health with the intent  
9 to defraud another. Except as otherwise provided in this  
10 section, a person who violates this subsection is guilty of a

## House Bill No. 5174 (H-1) as amended February 25, 2004

1 felony punishable by imprisonment for not more than 4 years or a  
2 fine of not more than \$5,000.00, or both.

3 (2) A person who violates subsection (1) resulting in  
4 personal injury is guilty of a felony punishable by imprisonment  
5 for not more than 10 years or a fine of not more than \$10,000.00,  
6 or both.

7 (3) A person who violates subsection (1) resulting in serious  
8 impairment of bodily function is guilty of a felony punishable by  
9 imprisonment for not more than 25 years or a fine of not more  
10 than \$25,000.00, or both.

11 (4) A person who violates subsection (1) resulting in death  
12 is guilty of a felony and shall be punished by imprisonment for  
13 life [or any term of years or a fine of not more than \$40,000.00, or  
14 both].

15 Sec. 18. (1) ~~Adulterating drugs or medicines so as to~~  
16 ~~injuriously affect quality~~ Any person who shall, except for the  
17 ~~purpose of compounding in the necessary preparation of medicine,~~  
18 **Except for the purpose of compounding in the necessary**  
19 **preparation of medicine, a person shall not knowingly or**  
20 **recklessly** mix, color, stain, or powder, or order or permit ~~any~~  
21 ~~other~~ **another** person to mix, color, stain, or powder, ~~any~~ **a**  
22 ~~drug or medicine with any an ingredient or ingredients or~~  
23 ~~materials~~ **material** so as to ~~affect~~ injuriously **affect** the  
24 quality or potency of ~~such~~ **the** drug or medicine, with intent to  
25 ~~sell the same; and any person who shall~~ **defraud another.**

26 (2) **A person shall not** sell or offer for sale ~~any such~~ **a**  
27 ~~drug or medicine so~~ mixed, colored, stained, or powdered ~~—~~  
28 ~~shall be guilty of a misdemeanor in the manner proscribed in~~

1 subsection (1).

2 (3) A person who violates subsection (1) or (2) is guilty of  
3 a felony punishable by imprisonment for not more than 4 years or  
4 a fine of not more than \$5,000.00, or both.

5 (4) A person who violates subsection (1) or (2) resulting in  
6 personal injury is guilty of a felony punishable by imprisonment  
7 for not more than 10 years or a fine of not more than \$10,000.00,  
8 or both.

9 (5) A person who violates subsection (1) or (2) resulting in  
10 serious impairment of bodily function is guilty of a felony  
11 punishable by imprisonment for not more than 25 years or a fine  
12 of not more than \$25,000.00, or both.

13 (6) A person who violates subsection (1) or (2) resulting in  
14 death is guilty of a felony punishable by imprisonment for life  
15 or any term of years or a fine of not more than \$40,000.00, or  
16 both.

17 Enacting section 1. This amendatory act takes effect 90  
18 days after it is enacted.