

# HOUSE BILL No. 5174

October 15, 2003, Introduced by Reps. Robertson, Rocca, Ruth Johnson, Ward, Julian, Meyer, Stewart, Hager, Hart, Richardville, DeRossett, Newell, Milosch, Shackleton, LaJoy, Walker, Bisbee, Casperson, Gaffney, Nofs, Moolenaar, Caul, Amos, Kooiman and Tabor and referred to the Committee on Criminal Justice.

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, or substitute a drug or medicine so as to render that  
8 drug or medicine injurious to health with the intent to defraud  
9 another. Except as otherwise provided in this subsection, a  
10 person who violates this subsection is guilty of a felony

1 punishable by imprisonment for not more than 4 years or a fine of  
2 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.

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

25 (2) **A person shall not** sell or offer for sale ~~any such~~ **a**  
26 drug or medicine ~~so~~ mixed, colored, stained, or powdered ~~—~~  
27 ~~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.