

HOUSE BILL NO. 4507

May 21, 2025, Introduced by Rep. Lightner and referred to Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17764 (MCL 333.17764), as amended by 2004 PA
214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17764. (1) A person shall not sell, offer for sale,
2 possess for sale, or manufacture for sale a drug or device bearing
3 or accompanied by a label that is misleading as to the contents,
4 uses, or purposes of the drug or device. A person who violates this
5 subsection is guilty of a misdemeanor. In determining whether a

1 label is misleading, consideration ~~shall~~**must** be given to the
2 representations made or suggested by the statement, word, design,
3 device, sound, or any combination thereof, and the extent to which
4 the label fails to reveal facts material in view of the
5 representations made or material as to consequences that may result
6 from use of the drug or device to which the label relates under
7 conditions of use prescribed in the label or under customary or
8 usual conditions of use.

9 (2) A person shall not knowingly or recklessly do either of
10 the following:

11 (a) Adulterate, misbrand, remove, or substitute a drug or
12 device knowing or intending that the drug or device ~~shall~~**may** be
13 used.

14 (b) Sell, offer for sale, possess for sale, cause to be sold,
15 or manufacture for sale an adulterated or misbranded drug.

16 (3) Except as otherwise provided in this section, a person who
17 violates subsection (2) is guilty of a felony punishable by
18 imprisonment for not more than 2 years or a fine of not more than
19 \$1,000.00, or both.

20 (4) ~~A-If a person who violates subsection (2) , which~~
21 ~~violation results~~**resulting** in personal injury, **the person** is
22 guilty of a felony punishable by imprisonment for not more than 4
23 years or a fine of not more than \$4,000.00, or both.

24 (5) ~~A-If a person who violates subsection (2) , which~~
25 ~~violation results~~**resulting** in serious impairment of a body
26 function, **the person** is guilty of a felony punishable by
27 imprisonment for not more than 5 years or a fine of not more than
28 \$5,000.00, or both. As used in this subsection, "serious impairment
29 of a body function" means that term as defined in section 58c of

1 the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

2 (6) ~~A-If a person who~~ violates subsection (2) ~~, which~~
3 ~~violation results~~ **resulting** in death, **the person** is guilty of a
4 felony punishable by imprisonment for not more than 15 years or a
5 fine of not more than \$20,000.00, or both.

6 (7) ~~A-Except as provided in sections 25, 25a, and 25b of~~
7 **chapter IX of the code of criminal procedure, 1927 PA 175, MCL**
8 **769.25, 769.25a, and 769.25b, if a person who** violates subsection
9 (2) with the intent to kill or to cause serious impairment of a
10 body function of 2 or more individuals ~~, which and the~~ violation
11 results in death, **the person** is guilty of a felony punishable by
12 imprisonment for life without the possibility of parole or life
13 without the possibility of parole and a fine of not more than
14 \$40,000.00. It is not a defense to a charge under this subsection
15 that the person did not intend to kill a specific individual, or
16 did not intend to cause serious impairment of a body function of 2
17 or more specific individuals.

18 (8) This section does not prohibit an individual from being
19 charged with, convicted of, or punished for any other violation of
20 law that is committed by that individual while violating this
21 section.

22 Enacting section 1. This amendatory act does not take effect
23 unless House Bill No. 4506 (request no. H02980'25) of the 103rd
24 Legislature is enacted into law.