

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER IV

ADULTERATING AND MISBRANDING

750.16 Adulteration; drugs or medicine injurious to health; violations; penalty; “serious impairment of a body function” defined; other violations committed.

Sec. 16. (1) Except as otherwise provided in this section, a person who knowingly or recklessly commits any of the following actions is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both:

(a) Adulterates, misbrands, removes, or substitutes a drug or medicine so as to render that drug or medicine injurious to health.

(b) Sells, offers for sale, possesses for sale, causes to be sold, or manufactures for sale a drug or medicine that has been adulterated, misbranded, removed, or substituted so as to render it injurious to health.

(2) A person who commits a violation of subsection (1) that results in personal injury is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$4,000.00, or both.

(3) A person who commits a violation of subsection (1) that results in serious impairment of a body function is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(4) A person who commits a violation of subsection (1) that results in death is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$20,000.00, or both.

(5) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, a person who commits a violation of subsection (1) with the intent to kill or to cause serious impairment of a body function of 2 or more individuals that results in death is guilty of a felony punishable by imprisonment for life without possibility of parole or life without possibility of parole and a fine of not more than \$40,000.00. It is not a defense to a charge under this subsection that the person did not intend to kill a specific individual or did not intend to cause serious impairment of a body function of 2 or more specific individuals.

(6) As used in this section, "serious impairment of a body function" means that phrase as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

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

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.16;—Am. 2002, Act 672, Eff. Mar. 31, 2003;—Am. 2004, Act 213, Eff. Oct. 12, 2004;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

Former law: See section 3 of Ch. 159 of R.S. 1846, being CL 1857, § 5888; CL 1871, § 7728; How., § 9318; CL 1897, § 11406; CL 1915, § 15124; and CL 1929, § 16693.

750.17 Repealed. 1968, Act 39, Eff. Jan. 1, 1969.

Compiler's note: The repealed section pertained to adulteration and misbranding of food.

750.18 Mixing drug or medicine; injuriously affecting quality or potency; violations; penalties; “serious impairment of body function” defined; other violations committed.

Sec. 18. (1) Except for the purpose of compounding in the necessary preparation of medicine, a person shall not knowingly or recklessly mix, color, stain, or powder, or order or permit another person to mix, color, stain, or powder, a drug or medicine with an ingredient or material so as to injuriously affect the quality or potency of the drug or medicine.

(2) A person shall not sell, offer for sale, possess for sale, cause to be sold, or manufacture for sale a drug or medicine mixed, colored, stained, or powdered in the manner proscribed in subsection (1).

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

(4) A person who commits a violation of subsection (1) or (2) that results in personal injury is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$4,000.00, or both.

(5) A person who commits a violation of subsection (1) or (2) that results in serious impairment of a body function is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(6) A person who commits a violation of subsection (1) or (2) that results in death is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$20,000.00, or both.

(7) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, a person who commits a violation of subsection (1) or (2) with the intent to kill or to cause serious impairment of a body function of 2 or more individuals that results in death is guilty of a felony punishable by imprisonment for life without possibility of parole or life without possibility of parole and a fine of not more than \$40,000.00. It is not a defense to a charge under this subsection that the person did not intend to kill a specific individual or did not intend to cause serious impairment of a body function of 2 or more specific individuals.

(8) As used in this section, "serious impairment of a body function" means that phrase as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

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

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.18;—Am. 2004, Act 213, Eff. Oct. 12, 2004;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

Former law: See section 2 of Act 254 of 1881, being How., § 9325; CL 1897, § 11427; CL 1915, § 15145; and CL 1929, § 16697.

750.19-750.24 Repealed. 1968, Act 39, Eff. Jan. 1, 1969.

Compiler's note: The repealed sections pertained to adulteration of food, drink, candy, grain or feed, honey, maple sugar, molasses, and syrup, and to misbranding of same.

750.25 Adulteration of butter and cream.

Sec. 25. (1) A person who possesses with intent to sell, or offer or expose for sale, or sell as butter or as cream, a product that is adulterated within the meaning of this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

(2) Butter is adulterated within the meaning of this section if 1 or both of the following conditions exist:

(a) The fat content is not exclusively derived from cow's milk.

(b) The butter contains less than 80% of milk fat.

(3) Cream is adulterated within the meaning of this section if 1 or more of the following conditions exist:

(a) The cream contains less than 18% of milk fat.

(b) The cream is not that portion of milk, rich in milk fat, that rises to the surface of milk on standing, or is separated from it by centrifugal force.

(c) The cream is not clean.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 32, Imd. Eff. May 7, 1937;—CL 1948, 750.25;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See sections 1 to 4 of Act 78 of 1925, being CL 1929, §§ 5361 to 5364.

750.27 Adulterated cigarettes.

Sec. 27. Adulterated cigarettes—Any person within the state who manufactures, sells or gives to any one, any cigarette containing any ingredient deleterious to health or foreign to tobacco, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.27.

Former law: See section 1 of Act 226 of 1909, being CL 1915, § 5181; and CL 1929, § 12830.

750.28 Cereal beverage with alcoholic content; furnishing to minors, penalty.

Sec. 28. Any person who shall sell, give or furnish to a minor, except upon authority of and pursuant to a prescription of a duly licensed physician, any cereal beverage of any alcoholic content under the name of "near beer", or "brew", or "bru", or any other name which is capable of conveying the impression to the purchaser that the beverage has an alcoholic content, shall be guilty of a misdemeanor.

History: Add. 1957, Act 283, Eff. Sept. 27, 1957.