

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LXIX

PUBLIC HEALTH

750.466 Selling diseased or unwholesome provisions without notice.

Sec. 466. Any person who shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.466;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 1 of Ch. 159 of R.S. 1846, being CL 1857, § 5886; CL 1871, § 7726; How., § 9316; CL 1897, § 11404; CL 1915, § 15122; and CL 1929, § 16691.

750.467 Feeding animals or fowls putrid or unwholesome food.

Sec. 467. Feeding animals or fowls putrid or unwholesome food—Any person who shall feed to animals or fowls the flesh of an animal which has become sick, or which has died from such cause, or offal or flesh that is putrid or unwholesome, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.467.

Former law: See sections 1 and 2 of Act 179 of 1913, being CL 1915, §§ 15156 and 15157; CL 1929, §§ 5242 and 5243; and Act 8 of 1919.

750.468 Baked goods and pastries; sanitary and dust proof containers.

Sec. 468. Shipment of baked goods and pastries in sanitary and dust proof containers—It shall be unlawful for any person engaged in the manufacture of baked goods and pastries, by himself or his agent or employe to convey, ship or transport any baked goods or pastries from the place where such goods are manufactured to any place in this state where such baked goods and pastries are to be consumed or offered for sale, without first placing such baked goods and pastries in a clean and sanitary container or package sufficiently tight and compact to exclude all dust and dirt and other contamination. None of such containers or packages containing baked goods or pastries shall be opened or exposed to the dust or dirt or other contamination from the place where manufactured until they arrive in the place where such baked goods and pastries are to be consumed or exposed for sale.

Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.468.

Former law: See sections 1 and 2 of Act 320 of 1925, being CL 1929, §§ 5479 and 5480.

750.469 Standard clinical thermometers.

Sec. 469. (1) Any person, dealer, agent or employe of any corporation, who shall directly or indirectly use, sell or offer for sale, give away or offer to give away, any standard clinical thermometer that does not comply with the definition stated in this section for a standard clinical thermometer, shall be guilty of a misdemeanor.

(2) A standard clinical thermometer is a certified thermometer that registers accurately at every reading and is in compliance with the rules promulgated by the board of pharmacy for all self-registering clinical thermometers commonly used for measuring body temperature. These thermometers shall not have a variance of over 2/10 of a degree at 98 degrees fahrenheit and 102 degrees fahrenheit nor by more than 3/10 of a degree at 106 degrees fahrenheit.

(3) The board of pharmacy shall make such rules as may be necessary for the enforcement of this section in accordance with Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Compiled Laws of 1948. The board of pharmacy shall investigate all complaints under this section and take all steps necessary to its enforcement. A person, dealer, or employe of any corporation shall not be prosecuted under the provisions of this section when he can establish a guarantee, signed by a wholesaler, jobber, manufacturer or other parties residing in this state, from whom such thermometers were purchased, to the effect that the clinical thermometers so purchased were certified to comply with subsection (2).

(4) In order to obtain certification by the Michigan board of pharmacy, a standard clinical thermometer shall meet the requirements of accuracy, lack of defects in construction, and other criteria provided in the rules promulgated by the board of pharmacy.

(5) Each manufacturer whose thermometers are approved for sale in this state on or before June 30 of each year, after the first year of his certification, shall renew his certificate by paying an annual fee of \$50.00 to the state of Michigan directed to the Michigan board of pharmacy, in return for which a renewal certification

shall be issued. In order to be actively engaged in the sale and distribution of thermometers each manufacturer must re-register within 30 days after June 30. A penalty of \$50.00 shall be paid for failure to re-register by this date.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.469;—Am. 1972, Act 124, Imd. Eff. Apr. 27, 1972.

Former law: See sections 1 to 4 of Act 106 of 1927, being CL 1929, §§ 6863 to 6866.

Administrative rules: R 338.488 of the Michigan Administrative Code.

750.470 Cigarettes, cigars, or other tobacco products; sale or distribution through use of vending machines in places of public accommodation; prohibition; exceptions; violation as misdemeanor; penalty; enforcement.

Sec. 470. (1) Except as provided in subsection (2), a person, in a place of public accommodation to which access by minors is not prohibited by law, shall not sell or distribute cigarettes, cigars, or other tobacco products through the use of a vending machine, or install or maintain a vending machine with the intent of selling or distributing cigarettes, cigars, or other tobacco products. For purposes of this section, "place of public accommodation" has the same meaning as that term has in section 301(a) of the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1301.

(2) This section does not apply to a cigarette vending machine that meets either of the following criteria:

(a) The cigarette vending machine is located in an establishment that has a class C license as defined in section 2t of the Michigan liquor control act, 1933 (Ex Sess) PA 8, MCL 436.2t, and 1 of the following applies:

(i) If the establishment has a bar that is located in a room that is separated from the remainder of the establishment by a wall and a doorway, the cigarette vending machine is located entirely in that room.

(ii) If the establishment has a bar that is not located in a room that is separated from the remainder of the establishment by a wall and a doorway, the cigarette vending machine is located not more than 20 feet from the bar, is located clearly within the bar area and not in a hallway, coat room, rest room, or similar unrelated area, and is under the direct visual supervision of an adult.

(b) The cigarette vending machine is located entirely in an area, office, plant, factory, or private membership club that is not open to the public, and is located not less than 20 feet from all entrances and exits that are accessible to the general public.

(3) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 6 months, service to the community for a period of not more than 45 days, or a fine of not more than \$1,000.00, or any combination of imprisonment, community service, or fine. Each day that a person has a vending machine that dispenses cigarettes, cigars, or other tobacco products constitutes a separate offense.

(4) The provisions of this section shall be enforceable by a local health department to the same extent and by the same means as regulations adopted by that local health department.

History: Add. 1992, Act 271, Eff. June 16, 1993;—Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998.

Compiler's note: Former MCL 750.470, which pertained to employment of persons with infections or venereal disease in cigar or food establishments, was repealed by Act 368 of 1978, Eff. Sept. 30, 1978.

750.471 Transportation of dressed calves, sheep, hogs, and beeves; violation of act, misdemeanor.

Sec. 471. Transportation of dressed calves, sheep, hogs and beeves—All dressed calves, sheep, hogs and beeves, or any portion of the same, when being shipped or transported by freight or express, shall be kept in a clean and sanitary manner. Any carcass, or any portion thereof, which shall be transported in any car, shall when practicable be hung in such car during such transportation. Such carcass, when tendered for shipment, shall be covered with clean covers of cloth of such texture as to exclude all dirt and dust: Provided, This shall not apply to carcasses shipped with the hides left on.

Any person violating any of the provisions of this section, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.471.

Former law: See sections 1 and 2 of Act 90 of 1917, being CL 1929, §§ 5461 and 5462.

750.472 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: The repealed section pertained to treating eyes of newly born infants.

750.473 Use of tobacco product on school property prohibited; violation as misdemeanor; definitions; applicability of subsection (1) to outdoor areas.

Sec. 473. (1) Except as otherwise provided in subsection (4), a person shall not use a tobacco product on school property.

(2) A person who violates subsection (1) is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.

(3) As used in this section:

(a) "School district" means a school district, local act school district, or intermediate school district, as those terms are defined in the school code of 1976, Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws; a joint high school district formed under part 3A of Act No. 451 of the Public Acts of 1976, being sections 380.171 to 380.187 of the Michigan Compiled Laws; or a consortium or cooperative arrangement consisting of any combination of these.

(b) "School property" means a building, facility, or structure and other real estate owned, leased, or otherwise controlled by a school district.

(c) "Tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth.

(d) "Use a tobacco product" means any of the following:

(i) The carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

(ii) The inhaling or chewing of a tobacco product.

(iii) The placing of a tobacco product within a person's mouth.

(4) Subsection (1) does not apply to that part of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods:

(a) Saturdays, Sundays, and other days on which there are no regularly scheduled school hours.

(b) After 6 p.m. on days during which there are regularly scheduled school hours.

History: Add. 1993, Act 140, Eff. Sept. 1, 1993.

750.474 Transportation or possession of usable marihuana; violation as misdemeanor; penalty.

Sec. 474. (1) A person shall not transport or possess usable marihuana as defined in section 26423 of the public health code, 1978 PA 368, MCL 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marihuana is 1 or more of the following:

(a) Enclosed in a case that is carried in the trunk of the vehicle.

(b) Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk.

(2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

History: Add. 2012, Act 460, Imd. Eff. Dec. 27, 2012.

Compiler's note: Former MCL 750.474, which pertained to exposing others to communicable disease, was repealed by Act 368 of 1978, Eff. Sept. 30, 1978.

Compiler's note: In subsection (1), the reference to "section 26423 of the public health code, 1978 PA 368, MCL 333.26423" evidently should read "section 3 of the Michigan medical marihuana act, 2008 IL 1, MCL 333.26423."

750.475-750.477 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: The repealed sections pertained to drinking cups at public fountains, expectorating on floors, and free distribution of medicine.

750.477a Horse and dog meat; unlawful to sell not labelled; violation of section, misdemeanor.

Sec. 477a. Horse and dog meat—Any person who shall knowingly sell any horse or dog meat unless plainly labelled shall be guilty of a misdemeanor.

History: Add. 1943, Act 116, Eff. July 30, 1943;—CL 1948, 750.477a.