

## THE MICHIGAN PENAL CODE (EXCERPT)

### Act 328 of 1931

#### CHAPTER XLIII

#### FRAUDS AND CHEATS

##### **750.271 Domestic corporations; securities, fraudulent issue and sale.**

Sec. 271. Fraudulent issue and sale of securities of domestic corporations—Any person or persons who shall fraudulently issue or cause to be issued, any stock, scrip, or evidence of debt, of any bank, insurance, mining or other incorporated company of this state, or who shall sell or offer for sale, hypothecate, or otherwise dispose of any such stock, scrip or other evidence of debt, knowing the same to be so fraudulently issued, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.271.

**Former law:** See section 1 of Act 128 of 1855, being CL 1857, § 5908; CL 1871, § 7753; How., § 9349; CL 1897, § 11362; CL 1915, § 15080; and CL 1929, § 9804.

##### **750.272 Foreign corporations; stock, fraudulently issued, sale.**

Sec. 272. Knowingly selling fraudulently issued stock of foreign corporations—Any person or persons who shall sell or offer for sale any stock fraudulently issued, and purporting to be the stock, scrip or evidence of debt of any corporation located out of the state of Michigan, knowing the same to be so fraudulently issued, or shall hypothecate, or in any manner dispose of the same for value, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.272.

**Former law:** See section 2 of Act 128 of 1855, being CL 1857, § 5909; CL 1871, § 7754; How., § 9350; CL 1897, § 11363; CL 1915, § 15081; and CL 1929, § 9805.

##### **750.273 Fraudulently obtaining signature; penalty.**

Sec. 273. A person who fraudulently obtains the signature of any person with the intent to cheat and defraud that person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.273;—Am. 2012, Act 172, Imd. Eff. June 19, 2012.

**Former law:** See section 1 of Act 228 of 1879, being How., § 9353; CL 1897, § 11366; CL 1915, § 15084; and CL 1929, § 16994.

##### **750.274 Note; fraudulent signature; knowingly purchasing, collection.**

Sec. 274. Purchasing and attempting to collect a note, knowing signature was fraudulently obtained—Any person who shall receive into his possession for collection or sale or who shall purchase any promissory note, bill of exchange, due bill, order, contract, or paper writing whatever, obtained in the manner mentioned in the preceding section of this chapter, knowing the same to have been obtained with the intent to cheat and defraud, and any person who shall take any steps to collect any promissory note, bill of exchange, due bill, order, contract, paper or writing whatever, knowing the signature to have been obtained by fraud, with intent to cheat and defraud, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.274.

**Former law:** See section 2 of Act 228 of 1879, being How., § 9354; CL 1897, § 11367; CL 1915, § 15085; and CL 1929, § 16995.

##### **750.275 Warranty deed or similar words; use.**

Sec. 275. Use of words "warranty deed" or similar words—Any person who shall print, sell or keep for sale any blank forms of deeds containing the words "warranty deed", or "warranty-deed-covenant-own-acts", or any similar words printed or written thereon, unless such deed is in fact an absolute warranty deed, and any person who shall knowingly use any such deed for the purpose of conveying title unless the same is an absolute warranty deed, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.275.

**Former law:** See sections 1 and 2 of Act 177 of 1885, being How., §§ 9354a and 9354b; CL 1897, §§ 11368 and 11369; CL 1915, §§ 15086 and 15087; and CL 1929, §§ 13325 and 13326.

##### **750.276 Promise to vendee of grain to sell at fictitious price; signature to note.**

Sec. 276. Procuring signature to note, etc., as consideration for promise to vendee of grain to sell same at fictitious price—Any person who, either for his own benefit, or as the agent of any corporation, company, association or person, procures the signature of any person or maker, indorser, guarantor or surety thereon, to  
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any bond, bill, receipt, promissory note, draft, check or any other evidence of indebtedness as the whole or part consideration for any bond, contract, agreement or promise given to the vendee of any grain, seed or other cereals, binding the vendor or any other person, corporation, company or association, or the agent thereof, to sell for such vendee any grain, seed, or cereals at a fictitious price, or at a price equal to or more than twice the market price of such grain, seed or cereals, shall be guilty of a felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.276.

**Former law:** See sections 1 and 3 of Act 20 of 1887, being How., §§ 9354c and 9354e; CL 1897, §§ 11370 and 11372; CL 1915, §§ 15088 and 15090; and CL 1929, §§ 16631 and 16633.

#### **750.277 Promise to vendee of grain to sell at fictitious price; sale and transfer.**

Sec. 277. Sale and transfer of note, etc., signature to which was procured as consideration for promise to vendee of grain to sell at fictitious price—Any person who shall sell, barter or dispose of, either for his own benefit or as the agent of any corporation, company, association or person, any bond, bill, receipt, promissory note, draft, check or other evidence of indebtedness, knowing the same to have been obtained as the whole or part consideration for any bond, contract, agreement, or promise given to the vendee of any grain, seed or cereals, binding the vendor or any other person, corporation, company or association, or agent thereof, to sell for such vendee any grain, seed or cereals, at a fictitious price, or at a price equal to or more than twice the market price of such grain, seed, or cereals, shall be guilty of a felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.277.

**Former law:** See sections 2 and 3 of Act 20 of 1887, being How., §§ 9354d and 9354e; CL 1897, §§ 11371 and 11372; CL 1915, §§ 15089 and 15090; and CL 1929, §§ 16632 and 16633.

#### **750.278 Fraudulent warehouse receipts; executing and delivering.**

Sec. 278. Knowingly executing and delivering fraudulent warehouse receipts—Any warehouseman or forwarding merchant or any other person, or the agent or servant of any warehouseman or forwarding merchant or other person, who shall knowingly execute and deliver to any person a receipt or certificate purporting to be for flour, wheat, pot or pearl ashes, or any grain, produce or thing of value, as being at the time of executing and delivering such receipt in possession of such warehouseman or forwarding merchant, or other person, or in store for the person or persons, copartnership, or firm named in any such receipt or certificate, without being at the time of executing and delivering such receipt in the actual possession of such flour, wheat, pot or pearl ashes, or any grain, produce or thing of value, as expressed in such certificate or receipt, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by fine of not more than 2,500 dollars.

The sending or forwarding to a person who shall be duly entitled or authorized to receive the same, by the public mails, or through the government postoffice, or by the hands of any person, of any such receipt or certificate as aforesaid, shall be deemed to be a good and lawful delivery thereof, within the meaning of this section.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.278.

**Former law:** See section 35 of Ch. 154 of R.S. 1846, being CL 1857, § 5779; CL 1871, § 7586; How., § 9157; CL 1897, § 11571; CL 1915, § 15316; CL 1929, § 16912; and Act 270 of 1881.

#### **750.279 Personal property; fraudulent disposition.**

Sec. 279. Fraudulent disposition of personal property—Whenever money, or any goods, wares or merchandise or other personal property, shall be delivered, committed or entrusted to, or put in charge of any person as agent with written instructions, or upon any written agreement signed by the party so instructed as agent, or such written instructions shall be delivered or such written agreement shall be made, at any time after delivery to such agent, of any money or goods, wares, merchandise, or other personal property, which instructions or agreements shall express the appropriation, purpose, or use to which such money shall be applied, or the terms, mode or manner of the application or employment of such money, or which shall express or direct the disposition or use to be made by such agent, of any goods, wares, merchandise or other personal property, so delivered or entrusted to such agent; if the person to whom any such money or goods, wares, merchandise or other personal property shall be so delivered, committed or entrusted, shall purposely and intentionally apply, appropriate, dispose of, or use any such money or goods, wares, merchandise or other personal property in any other way or manner, or for any other purpose, use or intent, than such as shall be expressed in such written instrument or agreement touching the same, the person or persons so doing, shall be guilty of felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.279.

**Former law:** See section 36 of Ch. 154 of R.S. 1846, being CL 1857, § 5780; CL 1871, § 7587; How., § 9158; CL 1897, § 11572;

CL 1915, § 15317; and CL 1929, § 16913.

#### **750.280 Gross frauds and cheats at common law.**

Sec. 280. Gross frauds and cheats at common law—Any person who shall be convicted of any gross fraud or cheat at common law, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by a fine of not more than 5,000 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.280.

**Former law:** See section 40 of Ch. 154 of R.S. 1846, being CL 1857, § 5784; CL 1871, § 7591; How., § 9162; CL 1897, § 11576; CL 1915, § 15321; and CL 1929, § 16917.

#### **750.281 Repealed. 1996, Act 212, Imd. Eff. May 28, 1996.**

**Compiler's note:** The repealed section pertained to defrauding livery stable keepers.

#### **750.282 Offenses against water, steam, electric, or gas companies, or propane gas dealers or distributors, and boards or municipalities owning or operating plants; misdemeanor; felony; civil action not impaired by criminal prosecution; presumption; prima facie evidence of violation.**

Sec. 282. (1) A person shall not do any of the following:

(a) Willfully or fraudulently injure, or fraudulently allow to be injured, a meter, wire, line, pipe, or appliance belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor.

(b) Willfully or fraudulently prevent a water, steam, electric, gas, or propane gas meter belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor from duly registering the quantity of water, steam, electric current, gas, or propane gas measured through the meter, or in any way hinder or interfere with the meter's proper action or just registration.

(c) Attach a line, wire, or pipe to a line, wire, pipe, or main belonging to a water, steam, electric, or gas company, or propane gas dealer or distributor. This subdivision does not apply to the use of a ground wire to ground an electrical system.

(d) Willfully or fraudulently interfere with a pressure regulator device on a propane gas tank or incorporated into a propane gas system.

(e) Use or burn or cause to be used or burned any water, steam, electric current, gas, or propane gas supplied by a water, steam, electric, or gas company, or propane gas dealer or distributor, without the written consent of the company or the propane gas dealer or distributor, or the authorized agent or officer of the company or the propane gas dealer or distributor, unless the water, steam, electric current, gas, or propane gas passes through a meter or is measured by a meter set by the company or the propane gas dealer or distributor; fraudulently use the water, steam, electric current, gas, or propane gas, or fraudulently waste the water, steam, electric current, gas, or propane gas supplied by a water, steam, electric, or gas company, or propane gas dealer or distributor.

(2) A person who violates subsection (1) is guilty of a misdemeanor if the value of the water, steam, electric current, gas, or propane gas used, burned, or wasted, or the damage caused, as a result of the violation, is not more than \$500.00. A person who violates subsection (1) is guilty of a felony if the value of the water, steam, electric current, gas, or propane gas used, burned, or wasted, or the damage caused, as a result of the violation, is more than \$500.00.

(3) A criminal prosecution under this section shall not in any way impair the right of the company or the propane gas dealer or distributor to full compensation in damages by civil action.

(4) The provisions of this section shall extend and apply to all offenses against all water, steam, electric, or gas companies, or propane gas dealers or distributors, and boards or municipalities owning or operating plants for producing, manufacturing, furnishing, transmitting, or conducting water, steam, electricity, or gas, either natural, liquefied, or artificial.

(5) A person who attaches any line, wire, or pipe or any other device or process to any line, wire, or pipe of a water, steam, electric, or gas company, or propane gas dealer or distributor which interferes with the proper operation and just registration of a meter within the meaning of this section, or who interferes with a pressure regulator device on a propane gas tank or incorporated into a propane gas system, is presumed to do so with intent to avoid, or to enable another to avoid, payment for the service involved.

(6) In all prosecutions under this section, proof that the defendant, other than a lessor, had control of or occupied the premises where the offense was committed, or received the benefit of the water, steam, electric current, gas, or propane gas used or consumed, shall be prima facie evidence of a violation of this section.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.282;—Am. 1984, Act 37, Eff. Apr. 12, 1984;—Am. 1987, Act 32, Eff. Mar. 30, 1988.

**Former law:** See section 2 of Act 277 of 1911, being CL 1915, § 15362; and CL 1929, § 17043.

#### **750.282a Sale or transfer of electric or natural gas product or service illegally obtained; violation as felony; penalty; definitions.**

Sec. 282a. (1) A person who sells or transfers or attempts to sell or transfer the product or service of an electric provider or natural gas provider to any other person, knowing or having reason to know that the product or service was obtained illegally, is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person 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.

(b) If the person was previously convicted of violating this section, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(2) As used in this section:

(a) "Electric provider" means that term as defined in section 5 of the clean, renewable, and efficient energy act, 2008 PA 295, MCL 460.1005.

(b) "Natural gas provider" means that term as defined in section 9 of the clean, renewable, and efficient energy act, 2008 PA 295, MCL 460.1009.

**History:** Add. 2010, Act 129, Eff. Oct. 19, 2010.

#### **750.283 Fruits and vegetables sold in closed package; fraud prevention.**

Sec. 283. Preventing fraud in sale of fruits and vegetables—In this section, unless the contents otherwise require, the term "closed package" shall be construed to mean a barrel, box, basket, carrier or crate, of which all the contents cannot readily be seen or inspected when such package is prepared for market. Fresh fruits or vegetables in baskets or boxes, packed in closed or open crates, and packages covered with burlap, tarlatan or slat covers shall come within the meaning of the term "closed package."

Every person who, by himself, his agent or employe, packs or repacks fresh fruits or vegetables in closed packages intended for sale in the open market, shall cause the same to be marked in a plain and indelible manner, as follows:

First, With his full name and address, including the name of the state where such fresh fruits and vegetables are packed, before such fresh fruits or vegetables are removed from the premises of the packer or dealer;

Second, The name and address of such packer or dealer shall be printed or stamped on said closed packages in letters not less than 1/4 inch in height.

No person shall sell, offer, expose or have in his possession for sale, in the open market, any fresh fruits or vegetables packed in a closed package and intended for sale, unless such package is marked as is required by this section.

No person shall sell, offer, expose or have in his possession for sale, any fresh fruits or vegetables packed in a closed or open package, upon which package is marked any designation which represents such fruit as "number one", "finest", "best", "extra good", "fancy", "selected", "prime", "standard", or other superior grade or quality, unless such fruit or vegetables consist of well grown specimens, sound, of nearly uniform size, normal shape and good color, for the variety, and not less than 90 per cent free from injurious or disfiguring bruises, diseases, insect injuries or other defects, natural deterioration and decay in transit or storage excepted.

No person shall sell, offer, expose or have in his possession for sale any fresh fruits or vegetables packed in any package in which the faced or shown surface gives a false representation of the contents of such package, and it shall be considered a false representation when more than 20 per cent of such fresh fruits or vegetables are substantially smaller in size than or inferior in grade to, or different in variety from, the faced or shown surface of such package, natural deterioration and decay in transit or storage excepted.

Any person who violates any of the provisions of this section shall be guilty of a misdemeanor. The commissioner of agriculture is hereby charged with the enforcement of this section and is given power unto himself and his inspectors to enter into and upon any premises where fruits and vegetables are graded or packed or stored to inspect the same as to grade, pack and condition.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 116, Imd. Eff. June 25, 1937;—CL 1948, 750.283.

**Former law:** See sections 1 to 6 of Act 207 of 1913, being CL 1915, §§ 15365 to 15370; and CL 1929, §§ 5559 to 5564.

#### **750.284 Genuine article; selling goods other than; marking.**

Sec. 284. Selling other than genuine goods, etc., under a genuine label, stamp, etc.—Any person who, from any box, phial, case, package or other form of enclosure, having thereon impressed, or in any manner attached, the printed label, brand, engraving, stamp, mark or other device of any mechanic or manufacturer, druggist or apothecary, shall sell, barter or trade therefrom, or therein, any other goods, wares or merchandise

than such as are the genuine production of the manufacturer or mechanic, druggist or apothecary, whose label, mark, stamp or device may be imprinted upon or affixed to such box, or other form of enclosure, with intent to deceive such purchaser, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.284.

**Former law:** See section 4 of Act 22 of 1863, being CL 1871, § 7652; How., § 9234; CL 1897, § 11680; CL 1915, § 15453; and CL 1929, § 8969.

#### **750.285 Repealed. 2004, Act 452, Eff. Mar. 1, 2005.**

**Compiler's note:** The repealed section pertained to obtaining personal identity information with intent to unlawfully use information.

**Popular name:** Identity Theft

#### **750.286 Repealed. 1964, Act 256, Eff. Aug. 28, 1964.**

**Compiler's note:** The repealed section pertained to the sale or offer for sale as Michigan wheat any wheat not grown in the state as misdemeanor.

#### **750.287 Sterling or sterling silver marked articles; fraud in sale.**

Sec. 287. Any person who knowingly makes or sells, or offers to sell or dispose of, or has in his or her possession with intent to sell or dispose of, any article of merchandise marked, stamped, or branded with the words "sterling" or "sterling silver", or encased or enclosed in any box, package, cover, or wrapper, or other thing in or by which the article is packed, enclosed, or otherwise prepared for sale or disposition, having on it an engraving or printed label, stamp, imprint, mark, or trademark, indicating or denoting by the marking, stamping, branding, engraving, or printing, that the article is silver, sterling silver, or solid silver, unless 925/1000 of the component parts of the metal of which the article is manufactured are pure silver, 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, 750.287;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 1 of Act 122 of 1895, being CL 1897, § 5468; CL 1915, § 7186; and CL 1929, § 8942.

#### **750.288 Coin or coin silver; fraud in sale of articles marked.**

Sec. 288. Any person who knowingly makes or sells, or offers to sell or dispose of, or has in his or her possession with intent to sell or dispose of, any article of merchandise marked, stamped, or branded with the words "coin", or "coin silver", or encased or enclosed in any box, package, cover, or wrapper, or other thing in or by which the article is packed, enclosed or otherwise prepared for sale or disposition, having on it an engraving or printed label, stamp, imprint, mark, or trademark, indicating or denoting by the marking, stamping, branding, engraving, or printing, that the article is coin or coin silver, unless 900/1000 of the component parts of the metal of which the article is manufactured are pure silver, 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, 750.288;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 2 of Act 122 of 1895, being CL 1897, § 5469; CL 1915, § 7187; and CL 1929, § 8942.

#### **750.289 Common carrier; false billing of goods.**

Sec. 289. False billing of goods to common carrier—Any person offering goods, property or effects to any common carrier within this state for the purpose of transportation shall furnish to such carrier a true description of the goods, property or effects so offered, and any person who shall knowingly offer any goods, property or effects to any common carrier for transportation within this state with a false description of the same, or who shall offer any such goods, property or effects under a false billing, false classification or false weight and thereby procure or attempt to procure the transportation of any such goods, property or effects at a less cost than would be due under a true description, true billing, true classification or true weight, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.289.

**Former law:** See sections 1 and 2 of Act 253 of 1911, being CL 1915, §§ 8230 and 8231; and CL 1929, §§ 11572 and 11573.

#### **750.290 Imitation leather; boots and shoes.**

Sec. 290. Boots and shoes composed of imitation leather—The term "imitation leather" as used herein shall, for the purposes of this section, be defined to be all leather composed in whole or in part of paper, scraps and portions of hides of animals, used in the manufacture of boots or shoes, which being pressed together with an adhesive substance to keep such component parts intact, is used in place of solid leather in the making of such foot gear.

Every person within this state, who is engaged in the manufacture, sale, exchange, or offers for sale, or has



in possession with intent to sell, boots or shoes in the construction of which any imitation leather is used, shall cause to be stamped upon such boots or shoes the words "imitation leather" in a distinct and legible manner: Provided, however, That the letters in the words "imitation leather" shall not be less than 1/8 of an inch in length.

When such imitation leather shall be used either as soles, in-soles, heels or counters of such boots or shoes, the words "imitation leather" shall be stamped upon the outside of the soles near the heel of such boots or shoes; and when such imitation leather shall be used in the making of any other part or parts of such boots or shoes, the words "imitation leather" shall be stamped thereon, in a conspicuous place: Provided, however, Excepting the soles of such boots or shoes the words "imitation leather" need not be stamped upon the outside thereof.

The possession of any boots or shoes which are composed in whole or in part of any imitation leather and which are not stamped as herein required, shall be prima facie evidence of intent to sell the same.

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

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.290.

**Former law:** See sections 1 to 5 of Act 264 of 1897, being CL 1897, §§ 5474 to 5478; CL 1915, §§ 7192 to 7196; and CL 1929, §§ 8950 to 8954.

#### **750.291 Boarding house keepers; defrauding.**

Sec. 291. Defrauding boarding house keepers—Any person who shall stop, put up, board or lodge at any boarding house as a guest or boarder by the day, week or month, or shall procure any food, entertainment or accommodation without paying therefor, unless there is a distinct and express agreement made by such person with the owner, proprietor or keeper of such boarding house for credit, with intent to defraud such owner, proprietor or keeper out of the pay for such board, lodging, food, entertainment or accommodation, or any person who, with intent so to defraud, shall obtain credit at any boarding house for such board, lodging, food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto, shall be guilty of a misdemeanor: Provided, That no conviction shall be had under the provisions of this section unless complaint shall be made within 10 days of the time of the violation hereof.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.291.

**Former law:** See section 1 of Act 81 of 1907, being CL 1915, § 6964; CL 1929, § 8801; and Act 87 of 1915.

#### **750.292 Hotel, motel, inn, restaurant, cafe; defrauding; limitation on proceedings.**

Sec. 292. Any person who shall put up at any hotel, motel, inn, restaurant or cafe as a guest and shall procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of the pay for the same, or, who, with intent to defraud such keeper out of the pay therefor, shall obtain credit at any hotel, motel, inn, restaurant or cafe for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto, is guilty of a misdemeanor. No conviction shall be had under the provisions of this section unless complaint is made within 60 days of the time of the violation hereof.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1939, Act 314, Eff. Sept. 29, 1939;—CL 1948, 750.292;—Am. 1962, Act 19, Eff. Mar. 28, 1963.

**Former law:** See section 1 of Act 133 of 1907, being CL 1915, § 6966; and CL 1929, § 8798.

#### **750.293 Hotel, motel, inn, restaurant, cafe; prima facie evidence.**

Sec. 293. Prima facie evidence—Obtaining such food, lodging or accommodation by false pretense, or by false or fictitious show of baggage or other property, or refusal or neglect to pay therefor on demand, or payment thereof with check, draft or order upon a bank or other depository on which payment was refused, or absconding without paying or offering to pay therefore, or surreptitiously removing or attempting to remove baggage, shall be prima facie evidence of such intent to defraud mentioned in the 2 next preceding sections of this chapter.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1939, Act 314, Eff. Sept. 29, 1939;—CL 1948, 750.293.

**Former law:** See section 2 of Act 133 of 1907, being CL 1915, § 6967; CL 1929, § 8799; and section 2 of Act 81 of 1907, being CL 1915, § 6965; and CL 1929, § 8802.

#### **750.294 Animals; fraudulent registration as pure-bred.**

Sec. 294. Any person who by fraud or misrepresentation obtains or attempts to obtain the registration of animals as pure-bred upon the herd books of any of the recognized registry associations, when such animals are not entitled to that registration, or who by fraud or misrepresentation obtains or attempts to obtain any

false record of the transfer of ownership of the registered animals, or who designedly makes any false statements in reference to the breeding, ownership, color, markings, or registration of animals or in reference to any application for the registration or transfer of animals, 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, 750.294;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 1 of Act 216 of 1921, being CL 1929, § 5289.

#### **750.295 Milk and butter fat production; fraudulent practices.**

Sec. 295. Any person who connives at, commits, or attempts to commit any fraudulent or dishonest practice in connection with the making of official or semiofficial records of milk and butter fat production of cows, 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, 750.295;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 1 of Act 221 of 1921, being CL 1929, § 5323.

#### **750.296 Repealed. 1984, Act 262, Imd. Eff. Dec. 14, 1984.**

**Compiler's note:** The repealed section pertained to sale and marking of condensed milk.

#### **750.297-750.297d Repealed. 1966, Act 78, Imd. Eff. June 10, 1966.**

**Compiler's note:** The repealed sections pertained to fraudulent sales and identification of kosher meat products.

#### **750.297e Kosher food products; definition; sale; false representation; prohibited acts; evidence of fraud; inspection and supervision of sale of meat; rules; violation as misdemeanor.**

Sec. 297e. (1) As used in this section, "kosher" means prepared or processed in accordance with orthodox Hebrew religious requirements sanctioned by a recognized orthodox rabbinical council.

(2) A person who, with intent to defraud, sells or exposes for sale any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher, whether such meat or meat preparations, article of food or food products are raw or prepared for human consumption, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or falsely represents any food products or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and nonkosher meat or meat preparations, or both kosher and nonkosher food or food products, either raw or prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least 4 inches in height, "kosher and nonkosher meat sold here" or "kosher and nonkosher food sold here"; or who exposes for sale in any show window or place of business both kosher and nonkosher meat or meat preparations, or kosher and nonkosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of meat or meat preparation so exposed a sign in block letters at least 4 inches in height reading "kosher meat" or "nonkosher meat", or "kosher food" or "nonkosher food", or who displays on his window, door or in his place of business, or in handbills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word "kosher", or any sign, emblem, insignia, 6-pointed star, symbol or mark in simulation of same, without displaying in conjunction therewith in English letters of at least the same size as such characters, signs, emblems, insignia, symbols or marks, the words "we sell kosher meat and food only" or "we sell nonkosher meat and food only", or "we sell both kosher and nonkosher meat and food" is guilty of a misdemeanor. Possession of nonkosher meat and food, in any place of business advertising the sale of kosher meat and food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section.

(3) A person who, with intent to defraud, sells or exposes for sale in any hotel, restaurant or other place where food products are sold for consumption on or off the premises, any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher, whether such meat or meat preparations, article of food or food products be raw or prepared for human consumption, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and nonkosher meat or meat preparations, or both kosher and nonkosher food or food products, either raw or

prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least 4 inches in height, "kosher and nonkosher food sold here", or who exposes for sale in any show window or place of business both kosher and nonkosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of food or food preparation so exposed a sign in block letters at least 4 inches in height reading "kosher food" or "nonkosher food", or who displays on his window, door or in his place of business, or in handbills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word "kosher", or any sign, emblem, insignia, 6-pointed star, symbol or mark in simulation of same, without displaying in conjunction therewith in English letters of at least the same size as such characters, signs, emblems, insignia, symbols or marks the words "we sell kosher food only" or "we sell nonkosher food only", or "we sell both kosher and nonkosher food", is guilty of a misdemeanor. Possession of nonkosher food, in any place of business advertising the sale of kosher food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section.

(4) No person shall:

(a) Wilfully mark, stamp, tag, brand, label or in any other way or by any other means of identification represent or cause to be marked, stamped, tagged, branded, labeled or represented as kosher food or food products not kosher or not so prepared.

(b) Wilfully remove, deface, obliterate, cover, alter or destroy, or cause to be removed, defaced, obliterated, covered, altered or destroyed the original slaughterhouse plumba or any other mark, stamp, tag, brand, label or any other means of identification affixed to foods or food products to indicate that such foods or food products are kosher.

(c) Knowingly sell, dispose of or have in his possession, for the purpose of resale to any person as kosher, any food or food products not having affixed thereto the original slaughterhouse plumba or any other mark, stamp, tag, brand, label or other means of identification employed to indicate that such food or food products are kosher or any food or food products to which such plumba, mark, stamp, tag, brand, label or other means of identification has or have been fraudulently affixed.

(5) The department of agriculture shall investigate, inspect and supervise the sale of meat and meat preparations and enforce the provisions of this act. The department may promulgate rules and regulations for the enforcement and administration of this act in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

(6) Any person who violates the provisions of this section is guilty of a misdemeanor.

**History:** Add. 1966, Act 78, Imd. Eff. June 10, 1966.

## **750.297f "Halal" defined; prohibited acts; violation as misdemeanor; presumption; additional prohibited acts; investigation and inspection by department of agriculture; rules.**

Sec. 297f. (1) As used in this section, "halal" means prepared or processed in accordance with Islamic religious requirements.

(2) A person who, with intent to defraud, does any of the following is guilty of a misdemeanor:

(a) Sells or exposes for sale in any place where food products are sold for consummation on or off the premises any meat, meat preparation, article of food, or food product, and falsely represents it to be halal, whether the meat, or meat preparation, article of food, or food product is raw or prepared for human consumption, either by direct statement orally, or in writing, which is reasonably calculated to deceive or lead a reasonable person to believe that a representation is being made that that food is halal.

(b) Falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed on the package or container the word "halal" in English.

(c) Exposes for sale in any show window or place of business both halal and nonhalal meat or meat preparations, or halal and nonhalal food or food products, either raw or prepared for human consumption, and who fails to identify each kind of meat or meat preparation as "halal meat" or "halal food".

(d) Displays on his or her window, door, or in his or her place of business, or in handbills or other printed matter distributed inside or outside of his or her place of business, words or letters in Arabic characters other than the word "halal", or any sign, emblem, insignia, symbol, or mark in simulation of same, without also displaying in English letters of at least the same size as such characters, signs, emblems, insignia, symbols, or marks, the words "we sell halal meat and food only" or "we sell nonhalal meat and food only", or "we sell both halal and nonhalal meat and food".

(3) Possession of nonhalal food, in any place of business advertising the sale of halal food only, is presumptive evidence that the person in possession exposes the nonhalal meat and food for sale with intent to



defraud.

(4) A person who does any of the following is guilty of a misdemeanor:

(a) Willfully marks, stamps, tags, brands, labels, or in any other way or by any other means of identification represents or causes to be marked, stamped, tagged, branded, labeled, or represented as halal food or food products not halal or not so prepared.

(b) Willfully removes, defaces, obliterates, covers, alters, or destroys, or causes to be removed, defaced, obliterated, covered, altered, or destroyed the original slaughterhouse plumba or any other mark, stamp, tag, brand, label, or any other means of identification affixed to foods or food products to indicate that those foods or food products are halal.

(c) Knowingly sells, disposes of, or has in his or her possession, for the purpose of resale to any person as halal, any food or food products not having affixed to the food or food product the original slaughterhouse plumba or any other mark, stamp, tag, brand, label, or other means of identification employed to indicate that that food or food product is halal or any food or food products to which such plumba, mark, stamp, tag, brand, label, or other means of identification has been fraudulently affixed.

(5) The department of agriculture shall investigate and inspect the sale of halal food products and shall enforce this act. The department of agriculture may promulgate rules for the enforcement and administration of this section under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

**History:** Add. 2002, Act 207, Imd. Eff. Apr. 29, 2002.

**Compiler's note:** In subsection (2)(a), "consummation" evidently should read "consumption."

#### **750.298 Medicine; practicing under false or assumed name.**

Sec. 298. Any person who practices medicine or advertises to practice medicine under a false or assumed name, or under a name other than his or her own, 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, 750.298;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 1 of Act 291 of 1929, being CL 1929, § 6756.

#### **750.298a Representation of service as under supervision of physician; product or appliance approved by medical profession.**

Sec. 298a. If any person, partnership, corporation or enterprise shall offer to furnish any service, product or appliance designed or represented to affect human health, well-being or appearance, and shall advertise, state or represent in any offer, inducement or contract that the rendering of such service will be under the guidance or supervision of a physician, or that such product or appliance has been indorsed or approved by the medical profession, it shall be unlawful for such person, partnership, corporation or enterprise to render such service or cause or permit the same to be rendered except by or under the direct, continuing personal supervision of a physician licensed to practice in Michigan, or to furnish such product or appliance unless the same had, in fact, been indorsed or approved in writing by a bona fide organization of licensed physicians. Any person violating any provisions of this section is guilty of a misdemeanor punishable by a fine not to exceed \$1000.00 or imprisonment for not more than 1 year, or both.

**History:** Add. 1966, Act 302, Eff. Mar. 10, 1967.

#### **750.299 Agricultural seeds; false statement.**

Sec. 299. False statements regarding agricultural seeds—Any person or his agent or employe, who, in writing or in a newspaper, circular or other publication published in this state, makes or disseminates any statement or assertion of fact concerning the superior qualifications, quality, value or locality where grown of any agricultural seeds sold or offered for sale in this state, or the possession of rewards, prizes or distinctions conferred on account of such seeds, or the motive or purpose of such sale, intended to give the appearance of an offer advantageous to the purchaser, or as an inducement for the planting of such seeds, which is untrue or calculated to mislead and to induce a person to purchase such seeds, is guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.299.

**Former law:** See section 1 of Act 176 of 1919, being CL 1929, § 5082.

#### **750.300 Insurance company; killing or injuring animals to defraud.**

Sec. 300. Killing or injuring animals with intent to defraud insurance company—Any person who shall injure or kill any horse, mule or other live stock which shall be insured by any insurance company authorized to do business in this state, when such killing or injury shall be with the wilful intent on the part of such person to defraud such insurance company, whether such person shall be the owner of such insured property or not shall be guilty of a felony, punishable by imprisonment for not more than 2 years or by a fine of not

more than 1,000 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.300.

**Former law:** See section 1 of Act 165 of 1893, being CL 1897, § 11597; CL 1915, § 15352; and CL 1929, § 17001.

**750.300a Food stamps or coupons; conduct as crime; course of conduct as one offense; determination of degree; definitions.**

Sec. 300a. (1) A person who knowingly uses, transfers, acquires, alters, purchases, possesses, presents for redemption, or transports food stamps or coupons or access devices other than as authorized by the food stamp act of 1977, 7 U.S.C. 2011 to 2030, and the regulations promulgated under that act, or any supplemental food program administered by any department of this state pursuant to section 17 of the child nutrition act of 1966, 42 U.S.C. 1786, and the regulations promulgated under that act, is guilty of a crime as follows:

(a) Except as otherwise provided in this subdivision, if the aggregate value of the food stamps or coupons or access devices is \$250.00 or less, the person is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not more than \$1,000.00, or both. If the person has 1 prior conviction for violating this section, the person is guilty of a felony, and may be punished as provided in subdivision (b). If the person has 2 or more prior convictions for violating this section, the person is guilty of a felony, and may be punished as provided in subdivision (c). The existence of a prior conviction shall be determined by the court at sentencing.

(b) Except as otherwise provided in this subdivision, if the aggregate value of the food stamps or coupons or access devices is more than \$250.00 but does not exceed \$1,000.00, the person is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than \$10,000.00, or both. If the person has 1 or more prior convictions for violating this section, the person is guilty of a felony, and may be punished as provided in subdivision (c). The existence of a prior conviction shall be determined by the court at sentencing.

(c) If the aggregate value of the food stamps or coupons or access devices is more than \$1,000.00, the person is guilty of a felony, punishable by imprisonment for not more than 10 years, or a fine of not more than \$250,000.00, or both.

(2) If food stamps or coupons or access devices of various values are used, transferred, acquired, altered, purchased, possessed, presented for redemption, or transported in violation of this section over a period of 12 months, the course of conduct may be charged as 1 offense and the values of the food stamps or coupons or access devices aggregated in determining the degree of the offense.

(3) As used in this section:

(a) "Access device" means any card, plate, code, account number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds pursuant to the food stamp program established under the food stamp act of 1977, 7 U.S.C. 2011 to 2030, or any supplemental food program administered by any department of this state pursuant to section 17 of the child nutrition act of 1966, 42 U.S.C. 1786.

(b) "Aggregate value of the food stamps or coupons or access devices" means the total face value of any food stamps or coupons involved in the violation plus the total value of any access devices involved in the violation. The value of an access device is the total value of the payments, allotments, benefits, money, goods, or other things of value that may be obtained, or the total value of funds that may be transferred, by use of the access device at the time of the violation.

(c) "Food stamps or coupons" means the coupons issued pursuant to the food stamp program established under the food stamp act of 1977, 7 U.S.C. 2011 to 2030, or issued pursuant to any supplemental food program administered by any department of this state pursuant to section 17 of the child nutrition act of 1966, 42 U.S.C. 1786.

**History:** Add. 1988, Act 387, Eff. Mar. 30, 1989;—Am. 1993, Act 230, Eff. Apr. 1, 1994.