

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2916 Lethal gases for fumigation; liability; damages; means of ingress; locking; posting; permission to enter; notice; violation as felony; penalty.

Sec. 2916. (1) Any person who uses any substance which, by itself or in combination with any other substance, emits or liberates a gas, fume or vapor, which gas, fume, vapor or substances when liberated and used for the destruction or control of insects, termites, vermin, rodents, or other structural pests, is lethal, poisonous, noxious or dangerous to human life, in violation of the provisions of this section, is liable to any person or persons injured or killed for damages to be recovered in an action by such person or the estate of such person. The amount of damages shall be determined by a jury as in other cases, or by the court in case a jury is waived by the parties.

(2) Any person who uses any of the substances outlined in (1) of this section shall lock all means of ingress to the building or structure in which such substance has been used for a period of not less than 12 hours, and shall post such means of ingress with a visible warning notice stating that poisonous substances have been used and no entrance in the building shall be made without the written permission of the county sheriff or of the police or fire authorities of the city, village or township in which the building is situated for at least 48 hours from the time of using such poisonous substances.

(3) Any person using any substance outlined in (1) of this section shall notify the county sheriff or the police and fire authorities of the city, village or township in which the building or structure is situated that such substance has been used in the building, that the proper warning notices have been placed at all means of ingress in the building or structure, and that entrance into the building or structure is dangerous to human life for at least 48 hours, and such person is responsible for inspection of such building or structure at the end of the 48-hour period to determine the suitability for human habitation.

(4) Any person who violates the provisions of this section, in addition to civil liability for damages, is guilty of a felony and, upon conviction thereof, shall be punished as provided in the laws of this state.

History: 1961, Act 236, Eff. Jan. 1, 1963.