

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

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.