

**THE MICHIGAN PENAL CODE (EXCERPT)**  
**Act 328 of 1931**

**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  $\frac{2}{10}$  of a degree at 98 degrees fahrenheit and 102 degrees fahrenheit nor by more than  $\frac{3}{10}$  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.