

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LXIV

POISONS

750.431 Poisons and antidotes; marking name by retailers.

Sec. 431. Retailers of poisons to mark same poisons and name antidote—Any apothecary, druggist or other person who shall sell and deliver at retail, any arsenic, corrosive sublimate, prussic acid, or any other substance or liquid usually denominated poisonous, without having the word "poison", and the true name thereof, and the name of some simple antidote, if any is known, written or printed upon a label attached to the vial, box, or parcel containing the same, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.431.

Former law: See section 5 of Ch. 159 of R.S. 1846, being CL 1857, § 5890; CL 1871, § 7730; How., § 9319; CL 1897, § 11408; CL 1915, § 15126; CL 1929, § 16695; and Act 74 of 1873.

750.432 Recording sales of poisons.

Sec. 432. Recording sales of poisons—Every apothecary, druggist or other person who sells any arsenic, strychnine, corrosive sublimate, prussic acid or other poison, shall keep a record of the date of such sale, and the article and amount thereof sold, and the person or persons to whom delivered, and their residence, which record shall be open to the inspection of any police officer or physician during the business hours of each day and each and every neglect to keep such record as herein provided, shall be a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.432.

Former law: See section 1 of Act 123 of 1863, being CL 1871, § 7732; How., § 9321; CL 1897, § 11435; CL 1915, § 15143; and CL 1929, § 16703.

750.433 Giving false or fictitious name.

Sec. 433. Giving false or fictitious name—Any person who shall give a false or fictitious name to the apothecary, druggist or other person from whom any poison mentioned in the next preceding section was purchased shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.433.

Former law: See section 2 of Act 123 of 1863, being CL 1871, § 7733; How., § 9322; CL 1897, § 11436; CL 1915, § 15144; and CL 1929, § 16704.

750.434 Marking containers of naphtha and alcohol.

Sec. 434. Marking containers of wood alcohol, etc.—Any person who shall sell, offer for sale, give away, deal in or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in or supply any methanol (otherwise known as wood naphtha, wood alcohol or methyl alcohol) or completely denatured alcohol, either crude or refined, unless the container in which the same is sold, offered for sale, given away, dealt in or supplied shall have lithographed or imprinted upon said container or upon a label pasted upon said container the following device and words, in bold characters in red color on white, viz.:

(Skull and cross-bones represented)

POISON

shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.434.

Former law: See sections 1 and 3 of Act 111 of 1927, being CL 1929, §§ 16705 and 16707.

750.435 Denatured alcohol container; label.

Sec. 435. Label on completely denatured alcohol container—Any person who shall sell, offer for sale, give away, deal in or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in or supply any completely denatured alcohol unless the container in which the same is sold, offered for sale, given away, dealt in or supplied shall have lithographed, imprinted or pasted upon said container the "poison" label prescribed by the federal government under the provisions of the national prohibition act, or any supplement thereto or amendment thereof, shall be guilty of a misdemeanor: Provided, however, That the provisions of this section shall not apply to completely denatured alcohol transferred from manufacturers' or dealers' storage tanks directly to the radiators of automotive vehicles.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.435.

Former law: See sections 2 and 3 of Act 111 of 1927, being CL 1929, §§ 16706 and 16707.

750.436 Mingling poison or harmful substance with food, drink, nonprescription medicine, or pharmaceutical product, or placing poison or harmful substance in spring, well, reservoir, or public water supply; false information; violation; penalties.

Sec. 436. (1) A person shall not do either of the following:

(a) Willfully mingle a poison or harmful substance with a food, drink, nonprescription medicine, or pharmaceutical product, or willfully place a poison or harmful substance in a spring, well, reservoir, or public water supply, knowing or having reason to know that the food, drink, nonprescription medicine, pharmaceutical product, or water may be ingested or used by a person to his or her injury.

(b) Maliciously inform another person that a poison or harmful substance has been or will be placed in a food, drink, nonprescription medicine, pharmaceutical product, spring, well, reservoir, or public water supply, knowing that the information is false and that it is likely that the information will be disseminated to the public.

(2) A person who violates subsection (1)(a) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$15,000.00, or both.

(c) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$20,000.00, or both.

(d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$25,000.00, or both. As used in this subdivision, "serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

(e) 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, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

(3) A person who violates subsection (1)(b) 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 4 years or a fine of not more than \$2,000.00, or both.

(b) If the person has previously been convicted of violating subsection (1)(b), the 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.

(4) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other violation of law arising out of the same transaction as the violation of this section.

(5) 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, 750.436;—Am. 1988, Act 87, Eff. July 1, 1988;—Am. 2002, Act 135, Eff. Apr. 22, 2002;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

Former law: See section 27 of Ch. 153 of R.S. 1846, being CL 1857, § 5737; CL 1871, § 7536; How., § 9101; CL 1897, § 11496; CL 1915, § 15218; and CL 1929, § 16734.

750.437 Exposing poisonous substances where liable to be eaten by beasts; exception.

Sec. 437. Exposing poisonous substances where liable to be eaten by beasts—Any person who shall expose any known poisonous substance, whether mixed with meat or other food or not, so that the same shall be liable to be eaten by any horses, cattle, dogs or other beasts of another, shall be guilty of a misdemeanor: Provided, That it shall not be unlawful to expose on one's own premises common rat poisons mixed only with vegetable substances, nor for any person to expose on his own premises, not within the limits of any incorporated city or village, poisons for the destruction of predatory or dangerous prowling animals.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.437.

Former law: See section 1 of Act 145 of 1895, being CL 1897, § 11598; CL 1915, § 15353; and CL 1929, § 17000.

750.438 Poisonous fly killers; regulations; noncompliance; misdemeanor.

Sec. 438. Manufacture, etc., of poisonous fly killers—Any person who shall manufacture, compound, sell or offer for sale, or cause to be manufactured, compounded, sold or offered for sale, any fly paper or other form of fly killer which contains arsenic or other poison in sufficient quantity to be dangerous to the life or

health of persons, unless the same, when so manufactured, compounded, sold or offered for sale, shall be so prepared, constructed or guarded that when in use said poisonous paper, substance, compound or solution shall be inaccessible to children or other persons who might eat, drink or swallow the same, or any portion thereof, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.438.

Former law: See sections 1 and 2 of Act 269 of 1915, being CL 1915, §§ 6344 and 6345; and CL 1929, §§ 17110 and 17111.