

**MENTAL HEALTH CODE (EXCERPT)**  
**Act 258 of 1974**

**330.1286 Adoption of local law, ordinance, resolution, or rule.**

Sec. 286.

(1) A city, county, township, or village shall not adopt or enforce a local law, ordinance, resolution, rule, or portion of a local law, ordinance, resolution, or rule that has the force of law and that imposes a civil or criminal penalty for public intoxication or being incapacitated, except as provided in subsection (3) or (4).

(2) A local unit of government shall not interpret or apply any law of general application to circumvent subsection (1).

(3) This section and sections 276 to 285 do not affect a law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol or other drugs, or other similar offense involving the operation of a vehicle, snowmobile, aircraft, vessel, machinery, or other equipment, or motorized conveyance, or regarding the sale, purchase, dispensing, possession, transportation, consumption, or use of alcoholic beverages or other drugs at stated times and places, or by a particular class of individuals.

(4) This section and sections 276 to 285 do not prohibit a local unit of government from adopting an ordinance consistent with section 167 of the Michigan penal code, 1931 PA 328, MCL 750.167.

**History:** Add. 2012, Act 500, Imd. Eff. Dec. 28, 2012 ;-- Am. 2014, Act 200, Imd. Eff. June 24, 2014