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SFA**BILL ANALYSIS**

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House Bill 4599 (Substitute H-1 as passed by the House)
Sponsor: Representative Jack Minore
House Committee: Commerce
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 5-21-02

CONTENT

The bill would add Part 172 (Mercury Thermometers) to the Natural Resources and Environmental Protection Act to prohibit the sale, offer for sale, or offer for promotional purposes of a mercury thermometer in the State or for use in the State, beginning January 1, 2003. The bill, however, would permit the sale of a mercury thermometer if it were sold or offered for a use for which a mercury thermometer was required by State or Federal statute, regulation, or administrative rule.

The bill also would prohibit the sale, offer for sale, or offer for promotional purposes of a mercury fever thermometer in the State or for use in the State, except by prescription, beginning on January 1, 2003. With each mercury fever thermometer sold by prescription, the manufacturer would have to supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur.

The Department of Environmental Quality would have to enforce the bill. A person who violated Part 172 would be guilty of a misdemeanor punishable by up to 60 days' imprisonment and/or a maximum fine of \$1,000, plus the costs of prosecution.

(Under the bill, "mercury thermometer" would mean a product or component, other than a dry cell battery, of a product used for measuring temperature that contained mercury or a mercury compound intentionally added to the product or component. "Mercury fever thermometer" would mean a mercury thermometer used for measuring body temperature. "Manufacturer" would mean a person who produced, imported, or distributed mercury thermometers in the State.)

Proposed MCL 324.17201

Legislative Analyst: Nobuko Nagata

FISCAL IMPACT

The bill would result in a nominal increase in enforcement costs as well as revenues from fines paid to libraries.

Fiscal Analyst: Pam Graham

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