

**SUBSTITUTE FOR
HOUSE BILL NO. 4599**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 172.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 172. MERCURY THERMOMETERS
2 SEC. 17201. AS USED IN THIS PART:
3 (A) "MANUFACTURER" MEANS A PERSON THAT PRODUCES, IMPORTS, OR
4 DISTRIBUTES MERCURY THERMOMETERS IN THIS STATE.
5 (B) "MERCURY FEVER THERMOMETER" MEANS A MERCURY THERMOMETER
6 USED FOR MEASURING BODY TEMPERATURE.
7 (C) "MERCURY THERMOMETER" MEANS A PRODUCT OR COMPONENT,
8 OTHER THAN A DRY CELL BATTERY, OF A PRODUCT USED FOR MEASURING
9 TEMPERATURE THAT CONTAINS MERCURY OR A MERCURY COMPOUND
10 INTENTIONALLY ADDED TO THE PRODUCT OR COMPONENT.

HB4599, As Passed House, March 12, 2002

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2

1 SEC. 17202. (1) EXCEPT AS PROVIDED IN SUBSECTION (2),
2 BEGINNING ON JANUARY 1, 2003, A PERSON SHALL NOT SELL, OFFER FOR
3 SALE, OR OFFER FOR PROMOTIONAL PURPOSES A MERCURY THERMOMETER IN
4 THIS STATE OR FOR USE IN THIS STATE. THIS SUBSECTION DOES NOT
5 APPLY IF THE MERCURY THERMOMETER IS SOLD OR OFFERED FOR A USE FOR
6 WHICH A MERCURY THERMOMETER IS REQUIRED BY STATE OR FEDERAL STAT-
7 UTE, REGULATION, OR ADMINISTRATIVE RULE.

8 (2) BEGINNING ON JANUARY 1, 2003, A PERSON SHALL NOT SELL,
9 OFFER FOR SALE, OR OFFER FOR PROMOTIONAL PURPOSES A MERCURY FEVER
10 THERMOMETER IN THIS STATE OR FOR USE IN THIS STATE, EXCEPT BY
11 PRESCRIPTION. A MANUFACTURER OF MERCURY FEVER THERMOMETERS SHALL
12 SUPPLY CLEAR INSTRUCTIONS ON THE CAREFUL HANDLING OF THE THERMOM-
13 ETER TO AVOID BREAKAGE AND PROPER CLEANUP SHOULD A BREAKAGE OCCUR
14 WITH EACH MERCURY FEVER THERMOMETER SOLD BY PRESCRIPTION.

15 SEC. 17203. (1) THE DEPARTMENT OF ENVIRONMENTAL QUALITY
16 SHALL ENFORCE THIS PART.

17 (2) A PERSON WHO VIOLATES THIS PART IS GUILTY OF A MISDE-
18 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR A
19 FINE OF NOT MORE THAN \$1,000.00, OR BOTH, PLUS THE COSTS OF
20 PROSECUTION.