

Act No. 578
Public Acts of 2002
Approved by the Governor
October 3, 2002
Filed with the Secretary of State
October 3, 2002
EFFECTIVE DATE: October 3, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

**Introduced by Reps. Minore, Kolb, Hale, George, Basham, Jacobs, Neumann, Daniels, Garza, Bogardus, Zelenko and Lemmons
Reps. Anderson, Bernero, Bob Brown, Callahan, Clark, Clarke, Dennis, Hansen, Hardman, Jannick, Julian, McConico, Murphy, Pappageorge, Pestka, Plakas, Raczkowski, Rivet, Rocca, Schermesser, Scranton, Spade and Wojno named co-sponsors**

ENROLLED HOUSE BILL No. 4599

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding part 172.

The People of the State of Michigan enact:

PART 172. MERCURY THERMOMETERS

Sec. 17201. As used in this part:

- (a) "Manufacturer" means a person that produces, imports, or distributes mercury thermometers in this state.
- (b) "Mercury fever thermometer" means a mercury thermometer used for measuring body temperature.
- (c) "Mercury thermometer" means a product or component, other than a dry cell battery, of a product used for measuring temperature that contains mercury or a mercury compound intentionally added to the product or component.

Sec. 17202. (1) Except as provided in subsection (2), beginning on January 1, 2003, a person shall not sell, offer for sale, or offer for promotional purposes a mercury thermometer in this state or for use in this state. This subsection does not apply if the mercury thermometer is sold or offered for either of the following:

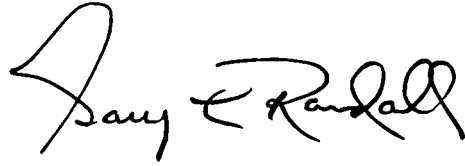
- (a) A use for which a mercury thermometer is required by state or federal statute, regulation, or administrative rule.
- (b) Pharmaceutical research purposes.

(2) Beginning on January 1, 2003, a person shall not sell, offer for sale, or offer for promotional purposes a mercury fever thermometer in this state or for use in this state, except by prescription. A manufacturer of mercury fever thermometers shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur with each mercury fever thermometer sold by prescription.

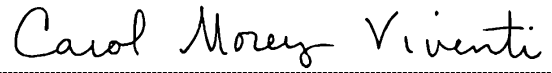
Sec. 17203. (1) The department of environmental quality shall enforce this part.

(2) A person who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 60 days or a fine of not more than \$1,000.00, or both, plus the costs of prosecution.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.