

BAN CERTAIN MERCURY-CONTAINING MEDICAL DEVICES AND THERMOSTATS

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Senate Bill 123

Sponsor: Sen. Liz Brater

Senate Bill 124

Sponsor: Sen. Patricia L. Birkholz

Senate Bill 186

Sponsor: Sen. Ron Jelinek

House Committee: Natural Resources, Great Lakes, Land Use, and Environment

Senate Committee: Natural Resources and Environmental Affairs

Complete to 12-6-06

A REVISED SUMMARY OF SENATE BILLS 123, 124, AND 186 AS PASSED BY THE SENATE 11-30-06

Senate Bills 123, 124 and 186 are tie-barred.

Senate Bill 123 (S-2) would amend Part 172 (Mercury Thermometers) of the Natural Resources and Environmental Protection Act (NREPA) to prohibit a person from selling, offering for sale, or offering for promotional purposes or for use in this state, a blood pressure recording, measuring, or monitoring device that contained mercury or a mercury compound intentionally added to the device, beginning January 1, 2008. The bill would prohibit the *use* of such devices beginning January 1, 2009. The bill would also change the heading of Part 172 to "Mercury-Added Products."

Senate Bill 124 (S-4) would amend Part 172 of NREPA to prohibit a person from selling or distributing a thermostat for use in regulating room temperature if the thermostat contained mercury or a mercury compound, beginning January 1, 2009. The bill would *not* prohibit a thermostat if the thermostat is a replacement for an existing thermostat containing mercury or a mercury compound that is a component of an appliance. A definition of "appliance" is found in Senate bill 186, described below.

Senate Bill 186 (S-5) would amend part 172 of NREPA to prohibit a person from from selling, offering for sale, or distributing in this state an esophageal dilator, bougie tube, or gastrointestinal tube if mercury or a mercury compound was added to the product during its manufacture, beginning January 1, 2009. The ban would not apply to the following:

- A product the use of which is required by a federal statute or regulation.
- A product whose only mercury-containing component is a button cell battery.

Under the bill, "appliance" would be defined as a refrigerator, dehumidifier, freezer, oven range, microwave oven, washer, dryer, dishwasher, trash compactor, window room air conditioner, television, or computer. "Appliance" would *not* include a home heating or central air-conditioning system.

"Mercury thermometer" would mean 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. "Mercury thermometer" would *not* include a product or component of a product that is used as a replacement for an existing thermometer that measures temperature as part of a manufacturing process.

"Thermostat" would mean a consumer product that uses a switch that contains mercury or a mercury compound to sense and control room temperature, including room temperature in residential, commercial, industrial, and other buildings, by communicating with heating, ventilating, or air conditioning equipment. "Thermostat" would *not* include a product used to control temperature as part of a manufacturing device.

FISCAL IMPACT:

A violation of Part 172 is a misdemeanor punishable by up to 60 days' imprisonment and/or a fine of up to \$1,000. Data are not available to indicate how many offenders are likely to be convicted of the proposed offenses. To the extent that the bill increased the numbers of misdemeanor convictions, it could increase local costs of misdemeanor probation supervision or jail incarceration for convicted misdemeanants, both of which vary with jurisdiction. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.