

# SENATE BILL No. 186

February 10, 2005, Introduced by Senators JELINEK, CROPSEY, KUIPERS, BISHOP, JACOBS, SCHAUER, GEORGE, TOY, VAN WOERKOM, BIRKHOLZ, ALLEN, BRATER and SCOTT and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of part 172 and sections 17201, 17202, and 17203 (MCL 324.17201, 324.17202, and 324.17203), as added by 2002 PA 578, and by adding section 17206.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

PART 172. ~~MERCURY THERMOMETERS~~ **MERCURY-ADDED PRODUCTS**

Sec. 17201. As used in this part:

(A) "APPLIANCE" MEANS A REFRIGERATOR, DEHUMIDIFIER, FREEZER, OVEN, RANGE, MICROWAVE OVEN, WASHER, DRYER, DISHWASHER, TRASH COMPACTOR, WINDOW ROOM AIR CONDITIONER, TELEVISION, OR COMPUTER.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL

1 QUALITY.

2 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

3 (D) "HAZARDOUS WASTE" MEANS THAT TERM AS DEFINED IN SECTION  
4 11103.

5 (E) ~~—(a)—~~ "Manufacturer" means a person that produces ~~—~~  
6 ~~imports, or distributes mercury thermometers in this state~~ OR  
7 MANUFACTURES A MERCURY-ADDED PRODUCT.

8 (F) "MERCURY-ADDED NOVELTY" MEANS A MERCURY-ADDED PRODUCT  
9 INTENDED FOR USE AS A FIGURINE, ADORNMENT, TOY, GAME, CARD,  
10 ORNAMENT, YARD STATUE OR FIGURE, CANDLE, ITEM OF JEWELRY, HOLIDAY  
11 DECORATION, OR ITEM OF APPAREL OR ANY OTHER SIMILAR MERCURY-ADDED  
12 PRODUCT INTENDED MAINLY FOR PERSONAL OR HOUSEHOLD ENJOYMENT OR  
13 ADORNMENT.

14 (G) "MERCURY-ADDED PRODUCT" MEANS ANY OF THE FOLLOWING IF IT  
15 CONTAINS INTENTIONALLY INTRODUCED MERCURY OR MERCURY COMPOUNDS:

16 (i) A THERMOSTAT OR THERMOMETER.

17 (ii) AN ELECTRICAL OR OTHER SWITCH.

18 (iii) A MEDICAL OR SCIENTIFIC INSTRUMENT.

19 (vi) AN ELECTRIC RELAY OR OTHER ELECTRICAL DEVICE.

20 (v) A LAMP.

21 (vi) A BATTERY, EXCEPT A BUTTON BATTERY OR A BATTERY THAT IS  
22 NOT SOLD TO THE PUBLIC.

23 (vii) A MERCURY-ADDED NOVELTY.

24 (viii) ANY OTHER TANGIBLE GOODS.

25 (H) ~~—(b)—~~ "Mercury fever thermometer" means a mercury  
26 thermometer used for measuring body temperature.

27 (I) ~~—(c)—~~ "Mercury thermometer" means a product or component,

1 other than a dry cell battery, of a product used for measuring  
2 temperature that contains mercury or a mercury compound  
3 intentionally added to the product or component.

4 (J) "RETAILER" MEANS A PERSON WHO SELLS A MERCURY-ADDED  
5 PRODUCT TO A PERSON FOR THAT PERSON'S USE OR CONSUMPTION.

6 (K) "THERMOSTAT" MEANS A DEVICE THAT REGULATES TEMPERATURE IN  
7 AN ENCLOSED AREA BY CONTROLLING HEATING, COOLING, OR VENTILATION  
8 EQUIPMENT.

9 (L) "WHOLESALER" MEANS A PERSON THAT SELLS A MERCURY-ADDED  
10 PRODUCT TO A RETAILER.

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

17 (a) A use for which a mercury thermometer is required by state  
18 or federal statute, regulation, or administrative rule.

19 (b) Pharmaceutical research purposes.

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

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

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

6           (3) THE DIRECTOR MAY PROMULGATE RULES PURSUANT TO THE  
7 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO  
8 24.328, TO IMPLEMENT AND ADMINISTER THIS PART.

9           SEC. 17206. (1) BEGINNING JANUARY 1, 2006, A MANUFACTURER OR  
10 WHOLESALER MAY NOT SUPPLY A MERCURY-ADDED PRODUCT FOR SALE, USE, OR  
11 DISTRIBUTION IN THIS STATE WITHOUT FIRST NOTIFYING THE DIRECTOR IN  
12 WRITING OF ALL OF THE FOLLOWING:

13           (A) A BRIEF DESCRIPTION OF THE PRODUCT TO BE OFFERED FOR SALE,  
14 USE, OR DISTRIBUTION IN THIS STATE.

15           (B) THE AMOUNT OF MERCURY OR MERCURY COMPOUNDS IN THE PRODUCT  
16 OR A UNIT OF THE PRODUCT AND THE PURPOSE OF INCLUDING MERCURY OR A  
17 MERCURY COMPOUND IN THE PRODUCT.

18           (C) THE TOTAL AMOUNT OF MERCURY OR MERCURY COMPOUNDS CONTAINED  
19 IN ALL MERCURY-ADDED PRODUCTS SOLD EACH YEAR BY THE MANUFACTURER OR  
20 WHOLESALER IN THIS STATE.

21           (D) THE NAME AND ADDRESS OF THE MANUFACTURER OR WHOLESALER AND  
22 THE NAME, ADDRESS, AND TELEPHONE NUMBER OF AN INDIVIDUAL WHO WILL  
23 ACT AS A CONTACT FOR THE MANUFACTURER OR WHOLESALER.

24           (2) THE DIRECTOR SHALL MAKE EACH NOTICE DESCRIBED IN  
25 SUBSECTION (1) AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S INTERNET  
26 WEBSITE.