

SUBSTITUTE FOR
HOUSE BILL NO. 4278

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 17201 (MCL 324.17201), as amended by 2006 PA
494, and by adding section 17208.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17201. As used in this part:

2 (a) "Appliance" means a refrigerator, dehumidifier, freezer,
3 oven, range, microwave oven, washer, dryer, dishwasher, trash
4 compactor, window room air conditioner, television, or computer.
5 Appliance does not include a home heating or central air-
6 conditioning system.

7 (b) "Manufacturer" means a person that produces, imports, or
8 distributes ~~mercury thermometers~~ **MERCURY-ADDED PRODUCTS** in this
9 state.

1 (C) "MERCURY-ADDED NOVELTY" MEANS A MERCURY-ADDED PRODUCT
2 INTENDED MAINLY FOR PERSONAL OR HOUSEHOLD ENJOYMENT OR ADORNMENT.
3 MERCURY-ADDED NOVELTY INCLUDES AN ITEM INTENDED FOR USE AS A
4 PRACTICAL JOKE, FIGURINE, ADORNMENT, TOY, GAME, CARD, ORNAMENT,
5 YARD STATUE OR FIGURE, CANDLE, JEWELRY, HOLIDAY DECORATION, ITEM OF
6 APPAREL INCLUDING FOOTWEAR, OR SIMILAR PRODUCT.

7 (D) "MERCURY-ADDED PRODUCT" MEANS A PRODUCT, A COMMODITY, OR A
8 CHEMICAL TO WHICH, OR A PRODUCT WITH A COMPONENT TO WHICH, MERCURY
9 OR A MERCURY COMPOUND HAS BEEN INTENTIONALLY ADDED. MERCURY-ADDED
10 PRODUCT MAY INCLUDE, BUT IS NOT LIMITED TO, A LABORATORY CHEMICAL,
11 CLEANING PRODUCT, COSMETIC, PHARMACEUTICAL, COATING MATERIAL,
12 MEASURING DEVICE, LAMP, OR SWITCH. MERCURY-ADDED PRODUCT DOES NOT
13 INCLUDE A BUTTON CELL BATTERY, A PRODUCT THAT DOES NOT CONTAIN
14 MERCURY EXCEPT WITHIN A BUTTON CELL BATTERY, A PHARMACEUTICAL, A
15 PHARMACEUTICAL PRODUCT, A BIOLOGICAL PRODUCT, OR ANY SUBSTANCE THAT
16 MAY BE LAWFULLY SOLD OVER THE COUNTER WITHOUT A PRESCRIPTION UNDER
17 THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, 21 USC 301 TO 399. AS
18 USED IN THIS SUBDIVISION, "BIOLOGICAL PRODUCT" MEANS A VIRUS, A
19 THERAPEUTIC SERUM, A TOXIN, AN ANTITOXIN, A VACCINE, BLOOD, A BLOOD
20 COMPONENT OR DERIVATIVE, AN ALLERGIC PRODUCT OR AN ANALOGOUS
21 PRODUCT, OR ARSPHENAMINE OR A DERIVATIVE OF ARSPHENAMINE (OR ANY
22 OTHER TRIVALENT ORGANIC ARSENIC COMPOUND), APPLICABLE TO THE
23 PREVENTION, TREATMENT, OR CURE OF A DISEASE OR CONDITION OF HUMAN
24 BEINGS.

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

27 (F) "MERCURY RELAY" MEANS A MERCURY-ADDED PRODUCT THAT OPENS

1 OR CLOSES ELECTRICAL CONTACTS TO AFFECT THE OPERATION OF ANOTHER
2 DEVICE IN THE SAME OR ANOTHER ELECTRICAL CIRCUIT AND INCLUDES, BUT
3 IS NOT LIMITED TO, A MERCURY DISPLACEMENT RELAY, A MERCURY WETTED
4 REED RELAY, A MERCURY CONTACT RELAY, AND A MERCURY CONTACTOR.

5 (G) "MERCURY SWITCH" MEANS A MERCURY-ADDED PRODUCT THAT OPENS
6 OR CLOSES AN ELECTRICAL CIRCUIT OR GAS VALVE AND INCLUDES, BUT IS
7 NOT LIMITED TO, A MERCURY FLOAT SWITCH ACTUATED BY RISING AND
8 FALLING LIQUID LEVELS, A MERCURY TILT SWITCH ACTUATED BY A CHANGE
9 IN PRESSURE, A MERCURY TEMPERATURE SWITCH ACTUATED BY A CHANGE IN
10 TEMPERATURE, AND A MERCURY FLAME SENSOR. MERCURY SWITCH DOES NOT
11 INCLUDE A THERMOSTAT.

12 (H) ~~(d)~~—"Mercury thermometer" means a product or component,
13 other than a dry cell battery, of a product used for measuring
14 temperature that contains mercury or a mercury compound
15 intentionally added to the product or component. Mercury
16 thermometer does not include a product or component of a product
17 that is used as a replacement for an existing thermometer that
18 measures temperature as part of a manufacturing process.

19 (I) ~~(e)~~—"Thermostat" means a consumer product that uses a
20 switch that contains mercury or a mercury compound to sense and
21 control room temperature, including room temperature in
22 residential, commercial, industrial, and other buildings, by
23 communicating with heating, ventilating, or air-conditioning
24 equipment. Thermostat does not include a product used to control
25 temperature as part of a manufacturing device.

26 SEC. 17208. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
27 BEGINNING JULY 1, 2010, A MANUFACTURER OF A MERCURY-ADDED PRODUCT

1 MANUFACTURED ON OR AFTER JULY 1, 2010 SHALL AFFIX TO EACH MERCURY-
2 ADDED PRODUCT INTENDED FOR SALE IN THIS STATE OR FOR USE IN THIS
3 STATE A LABEL THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS, AS
4 APPLICABLE:

5 (A) CONTAINS A STATEMENT USING WORDS OR SYMBOLS, IN A MINIMUM
6 OF 10-POINT FONT TYPE, THAT INFORMS THE PURCHASER OR USER THAT THE
7 PRODUCT CONTAINS MERCURY OR A MERCURY COMPOUND.

8 (B) IS CLEARLY VISIBLE TO THE PURCHASER OR USER BEFORE THE
9 SALE OR USE OF THE PRODUCT. IF THE PRODUCT IS ENCLOSED WITHIN A
10 PACKAGE THAT PREVENTS THE LABEL AFFIXED TO THE PRODUCT FROM BEING
11 CLEARLY VISIBLE BEFORE SALE OR OTHER DISTRIBUTION, THE MANUFACTURER
12 SHALL ALSO AFFIX A LABEL THAT MEETS THE REQUIREMENTS OF THIS
13 SUBSECTION TO THE PACKAGE. THE REQUIREMENT OF THIS SUBDIVISION TO
14 AFFIX A LABEL TO A PACKAGE DOES NOT APPLY TO A MERCURY-ADDED
15 PRODUCT THAT IS A REFRIGERATOR, FREEZER, OVEN, RANGE, WASHER, OR
16 DRYER.

17 (C) IF THE PRODUCT CONSISTS OF MORE THAN 1 COMPONENT THAT
18 CONTAINS MERCURY OR A MERCURY COMPOUND, IS AFFIXED TO EACH
19 COMPONENT THAT CONTAINS MERCURY OR A MERCURY COMPOUND. HOWEVER, THE
20 MANUFACTURER OF A MOTOR VEHICLE MAY COMPLY WITH THIS SUBDIVISION BY
21 AFFIXING A LABEL ON THE DOORPOST THAT LISTS THE COMPONENTS OF THE
22 MOTOR VEHICLE THAT MAY CONTAIN MERCURY OR A MERCURY COMPOUND.

23 (D) IS SUFFICIENTLY DURABLE TO REMAIN LEGIBLE FOR THE USEFUL
24 LIFE OF THE PRODUCT.

25 (E) USING WORDS OR SYMBOLS, INFORMS THE PURCHASER OR USER THAT
26 THE PRODUCT SHOULD NOT BE DISPOSED OF OR PLACED IN A WASTE STREAM
27 THAT IS DESTINED FOR DISPOSAL IN A LANDFILL OR INCINERATOR.

1 (2) A MANUFACTURER OF A MERCURY-ADDED PRODUCT IS IN COMPLIANCE
2 WITH THIS SECTION IF THE MANUFACTURER IS IN COMPLIANCE WITH THE
3 MERCURY LABELING REQUIREMENTS OF ANOTHER STATE THAT HAS A MERCURY
4 LABELING REQUIREMENT APPLICABLE TO THE MERCURY-ADDED PRODUCT AND
5 THE STATE IS A MEMBER OF THE INTERSTATE MERCURY EDUCATION AND
6 REDUCTION CLEARINGHOUSE. A MANUFACTURER SHALL PROVIDE DOCUMENTATION
7 OF ITS COMPLIANCE WITH THE LABELING REQUIREMENTS OF ANOTHER STATE
8 TO THE DEPARTMENT UPON REQUEST.

9 (3) IF A PERSON OFFERS A MERCURY-ADDED PRODUCT FOR FINAL SALE
10 OR OTHER DISTRIBUTION TO AN ADDRESS IN THIS STATE UNDER
11 CIRCUMSTANCES IN WHICH THE PURCHASER OR RECIPIENT IS NOT ABLE TO
12 VIEW THE LABELS REQUIRED UNDER THIS SECTION ON THE PRODUCT OR THE
13 PACKAGE BEFORE THE PURCHASE OR RECEIPT, INCLUDING, BUT NOT LIMITED
14 TO, CATALOGUE, TELEPHONE, AND INTERNET SALES OR PROMOTIONAL
15 TRANSACTIONS, THE PERSON SHALL CLEARLY ADVISE THE PURCHASER OR
16 RECIPIENT AT THE POINT OF SALE OR OTHER DISTRIBUTION THAT THE
17 PRODUCT CONTAINS MERCURY OR A MERCURY COMPOUND.