

# HOUSE BILL No. 6146

September 9, 2004, Introduced by Reps. Lipsey, Kolb, Meisner, Bieda, Brown, Vagnozzi, Minore and Tobocman and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 17207.

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

1       Sec. 17207. (1) Beginning January 1, 2006, a manufacturer  
2 shall not sell a mercury-added novelty in this state. Beginning  
3 January 1, 2008, a manufacturer shall not sell any other  
4 mercury-added product in this state unless the manufacturer has  
5 applied for and received an exemption from this subsection from  
6 the director under this section.

7       (2) The director may grant a manufacturer an exemption from  
8 subsection (1) that allows the manufacturer to sell a  
9 mercury-added product that is not a mercury-added novelty in this  
10 state. The director shall not grant a manufacturer an exemption  
11 from subsection (1) that allows the manufacturer to sell a

1 mercury-added novelty.

2 (3) Before granting an exemption under subsection (2) or a  
3 renewal of an exemption under subsection (4), the director shall  
4 hold at least 1 public hearing on the proposed exemption or  
5 renewal, preceded by a 60-day public comment period. The  
6 director may only grant an exemption or renewal if he or she  
7 finds that all of the following are met at the time the  
8 application for exemption or renewal is submitted:

9 (a) Use of the product benefits the environment or protects  
10 public health or public safety.

11 (b) There is no technically feasible alternative to the use  
12 of mercury or mercury compounds in the product.

13 (c) There is no comparable product that does not contain  
14 mercury or mercury compounds available at a reasonable cost.

15 (d) The manufacturer or an industry or trade association of  
16 manufacturers has in place a take-back program for all  
17 mercury-added products sold in this state that is available to  
18 all users of mercury-added products on a regular basis. The  
19 manufacturer shall submit verifiable documentation of the program  
20 with the application for exemption.

21 (4) The director shall not grant an exemption under  
22 subsection (1) for a period of more than 2 years. A manufacturer  
23 may apply for and the director may grant 1 or more renewals of an  
24 exemption. The director shall not grant a renewal of an  
25 exemption for a period of more than 2 years.

26 (5) The director shall make a list of each mercury-added  
27 product that is exempt from subsection (1) available to the

1 public on the department's internet website.

2 Enacting section 1. This amendatory act does not take  
3 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6147  
4 (request no. 06277'04) of the 92nd Legislature is enacted into  
5 law.