

HOUSE BILL No. 6147

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," 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 17205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 Sec. 17201. As used in this part:

3 (a) "Appliance" means a refrigerator, dehumidifier, freezer,
4 oven, range, microwave oven, washer, dryer, dishwasher, trash
5 compactor, window room air conditioner, television, or computer.

6 (b) "Department" means the department of environmental
7 quality.

8 (c) "Director" means the director of the department.

9 (d) "Hazardous waste" means that term as defined in section

1 11103.

2 (e) ~~-(a)-~~ "Manufacturer" means a person that produces ~~—~~
3 ~~imports, or distributes mercury thermometers in this state or~~
4 manufactures a mercury-added product.

5 (f) "Mercury-added novelty" means a mercury-added product
6 intended for use as a figurine, adornment, toy, game, card,
7 ornament, yard statue or figure, candle, item of jewelry, holiday
8 decoration, or item of apparel or any other similar mercury-added
9 product intended mainly for personal or household enjoyment or
10 adornment.

11 (g) "Mercury-added product" means any of the following if it
12 contains intentionally introduced mercury or mercury compounds:

13 (i) A thermostat or thermometer.

14 (ii) An electrical or other switch.

15 (iii) A medical or scientific instrument.

16 (vi) An electric relay or other electrical device.

17 (v) A lamp.

18 (vi) A battery, except a button battery or a battery that is
19 not sold to the public.

20 (vii) A mercury-added novelty.

21 (viii) Any other tangible goods.

22 (h) ~~-(b)-~~ "Mercury fever thermometer" means a mercury
23 thermometer used for measuring body temperature.

24 (i) ~~-(e)-~~ "Mercury thermometer" means a product or component,
25 other than a dry cell battery, of a product used for measuring
26 temperature that contains mercury or a mercury compound
27 intentionally added to the product or component.

1 (j) "Retailer" means a person who sells a mercury-added
2 product to a person for that person's use or consumption.

3 (k) "Wholesaler" means a person that sells a mercury-added
4 product to a retailer.

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

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

13 (b) Pharmaceutical research purposes.

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

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

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

1 (3) The director may promulgate rules pursuant to the
2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
3 24.328, to implement and administer this part.

4 Sec. 17205. (1) Beginning January 1, 2006, a manufacturer
5 or wholesaler may not supply a mercury-added product for sale,
6 use, or distribution in this state without first notifying the
7 director in writing of all of the following:

8 (a) A brief description of the product to be offered for
9 sale, use, or distribution in this state.

10 (b) The amount of mercury or mercury compounds in the product
11 or a unit of the product and the purpose of including mercury or
12 a mercury compound in the product.

13 (c) The total amount of mercury or mercury compounds
14 contained in all mercury-added products sold each year by the
15 manufacturer or wholesaler in this state.

16 (d) The name and address of the manufacturer or wholesaler
17 and the name, address, and telephone number of a contact person
18 at the manufacturer or wholesaler.

19 (2) The director shall make each notice described in
20 subsection (1) available to the public on the department's
21 internet website.