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BILL ANALYSIS

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Senate Bill 123 (as enrolled)

Senate Bill 124 (as enrolled)

Senate Bill 186 (as enrolled)

Sponsor: Senator Liz Brater (S.B. 123)

Senator Patricia L. Birkholz (S.B. 124)

Senator Ron Jelinek (S.B. 186)

Senate Committee: Natural Resources and Environmental Affairs

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

Date Completed: 1-16-07

PUBLIC ACT 493 of 2006

PUBLIC ACT 492 of 2006

PUBLIC ACT 494 of 2006

CONTENT

Senate Bill 123 amended Part 172 (Mercury Thermometers) of the Natural Resources and Environmental Protection Act to prohibit the sale and use of a blood pressure recording, measuring, or monitoring device that contains mercury or a mercury compound, subject to certain exceptions.

Senate Bill 124 amended Part 172 to prohibit the sale of a thermostat for use in regulating room temperature if it contains mercury or a mercury compound, subject to certain exceptions.

Senate Bill 186 amended Part 172 to prohibit a person from selling a mercury-added product that is an esophageal dilator, bougie tube, or gastrointestinal tube, subject to certain exceptions; and to define and revise the definition of terms used in Senate Bills 123 and 124 and elsewhere in Part 172.

The bills took effect on December 29, 2006, and were tie-barred to each other. They are described below in further detail.

Senate Bill 123

Under the bill, beginning January 1, 2008, a person may not sell, offer for sale, or offer for promotional purposes in this State a blood pressure recording, measuring, or monitoring device that contains mercury or

a mercury compound intentionally added to the device. Beginning January 1, 2009, a person may not use such a device in Michigan.

The prohibition against use does not apply if the device was purchased before the bill's effective date; and is used exclusively in a private residence, or is used exclusively in a health care facility for the purpose of calibrating blood pressure recording, measuring, or monitoring devices that do not contain mercury or a mercury-added compound and is kept in a locked area within that facility that is inaccessible to the general public.

Additionally, the bill changed the heading of Part 172 to "Mercury-Added Products".

Senate Bill 124

The bill prohibits a person from selling or distributing a thermostat for use in regulating room temperature if the thermostat contains mercury or a mercury compound, beginning January 1, 2009. The prohibition does not apply if the thermostat is a replacement for an existing thermostat containing mercury or a mercury compound that is a component of an appliance.

Senate Bill 186

Beginning January 1, 2009, the bill prohibits a person from selling an esophageal dilator, bougie tube, or gastrointestinal tube if

mercury or a mercury-added compound was added to the product during its manufacture. The prohibition does not apply to a product whose use is required by a Federal statute or regulation, or a product whose only mercury-containing component is a button cell battery.

Additionally, the bill defines "appliance" as a refrigerator, dehumidifier, freezer, oven, range, microwave oven, washer, dryer, dishwasher, trash compactor, window room air conditioner, television, or computer. The term excludes a home heating or central air-conditioning system.

Under Part 172, "mercury thermometer" means 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. The bill specifies that the term does not include a product or component that is used as a replacement for an existing thermometer that measures temperature as part of a manufacturing process.

Under the bill, "thermostat" means 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. The term does not include a produce used to control temperature as part of a manufacturing device.

MCL 324.17204 (S.B. 123)
324.17205 (S.B. 124)
324.17201 & 324.17206 (S.B. 186)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills will have an indeterminate fiscal impact on local government. A violation of Part 172 is a misdemeanor punishable by up to 60 days' imprisonment and/or a maximum fine of \$1,000, plus the costs of prosecution. There are no data to indicate how many offenders will be convicted of violating the bills' prohibitions. Local governments will incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county.

Additional penal fine revenue will benefit public libraries.

Fiscal Analyst: Lindsay Hollander
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.