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BILL ANALYSIS

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Senate Bill 123 (Substitute S-2)

Senate Bill 124 (Substitute S-2)

Senate Bill 186 (Substitute S-3)

Senate Bill 361 (Substitute S-1)

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

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

Senator Ron Jelinek (S.B. 186)

Senator Raymond E. Basham (S.B. 361)

Committee: Natural Resources and Environmental Affairs

Date Completed: 11-20-06

CONTENT

Senate Bill 123 (S-2) would amend 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 contained mercury or a mercury compound.

Senate Bill 124 (S-2) would amend Part 172 to require a manufacturer of residential thermostats containing mercury or a mercury compound to label the products and provide instructions for proper disposal and cleanup; and prohibit a person from selling a residential thermostat containing mercury or a mercury compound, subject to an exception for certain appliances.

Senate Bill 186 (S-3) would amend Part 172 to prohibit a person from selling a mercury-added product that was an esophageal dilator, bougie tube, or gastrointestinal tube, subject to certain exceptions.

Senate Bill 361 (S-1) would amend the Management and Budget Act to require the Department of Management and Budget (DMB) and all State agencies to avoid purchasing products containing mercury or mercury compounds, whenever possible.

Senate Bills 123, 124, and 186 are tie-barred to each other. The bills are described below in further detail.

Senate Bill 123 (S-2)

Under the bill, beginning January 1, 2008, a person could not sell, offer for sale, or offer for promotional purposes in this State a blood pressure recording, measuring, or monitoring device that contained mercury or a mercury compound intentionally added to the device. Beginning January 1, 2009, a person could not use such a device in Michigan.

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

Senate Bill 124 (S-2)

Under the bill, beginning January 1, 2008, a manufacturer of residential thermostats containing mercury or a mercury compound intended for sale or use in Michigan would have to affix to each thermostat a label indicating that it contained mercury or a mercury compound. The manufacturer also would have to provide with the thermostat instructions on its proper disposal and proper cleanup of the mercury or mercury compound if a spill, leak, or discharge occurred.

Beginning January 1, 2009, a person could not sell, offer for sale, or distribute a residential thermostat containing mercury or a mercury compound in this State or for use in this State. The prohibition would not apply if the thermostat were designed as a replacement for an existing thermostat containing mercury or a mercury compound that was a component of an appliance, and a replacement thermostat that did not contain mercury or a mercury compound were not available at a reasonable cost.

(Senate Bill 186 (S-3) would define "thermostat" and "appliance", and redefine "manufacturer".)

Senate Bill 186 (S-3)

The bill would prohibit a person from selling, offering for sale, or distributing in this State a mercury-added product that was an esophageal dilator, bougie tube (another term for an esophageal dilator), or gastrointestinal tube, beginning January 1, 2009. The prohibition would not apply to a mercury-added product whose use was required by a Federal statute or regulation, or a product whose only mercury-containing component was a button cell battery.

The bill would define "mercury-added product" as a product to which mercury or a mercury compound was added during its manufacture.

The bill also would revise the definition of "manufacturer". Currently, the term means a person that produces, imports, or distributes mercury thermometers in Michigan. The bill would retain this definition only for the purposes of Section 17202 (which prohibits a person from selling, offering for sale, or offering for promotional purposes a mercury thermometer in this State or for use in this State). As used in all other sections of Part 172, the term would mean a person that produces or manufactures a mercury-added product or an importer or domestic distributor of such a product produced in a foreign nation. If the product were a multicomponent product produced or assembled in the United States, the manufacturer would be the last manufacturer that produced or assembled the product. If the product were a multicomponent product produced or assembled in a foreign nation, the manufacturer would be the importer or domestic distributor.

The bill would define "appliance" as a refrigerator, dehumidifier, freezer, oven, range, microwave oven, washer, dryer, dishwasher, trash compactor, window room air conditioner, television, or computer. The term would not include a home heating or central air-conditioning system. The bill would define "thermostat" as a device that senses and regulates temperature in an enclosed area by controlling heating, cooling, or ventilation equipment. The term would not include a device that senses and regulates temperature as part of a manufacturing process.

Senate Bill 361 (S-1)

Under the bill, in addition to the existing requirements of the Management and Budget Act concerning the purchase of supplies, the DMB and all State agencies, whenever possible, would have to avoid purchasing products containing mercury or mercury compounds if

products that did not contain mercury or mercury compounds were available and cost-effective as determined by the DMB. This requirement would not apply to the purchase of motor vehicles.

Proposed MCL 324.17204 (S.B. 123)
Proposed MCL 324.17205 (S.B. 124)
MCL 324.17201 et al. (S.B. 186)
Proposed MCL 18.1261d (S.B. 361)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

Senate Bills 123 (S-2), 124 (S-2), and 186 (S-3)

The bills would 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 would be convicted of the proposed offenses. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Senate Bill 361 (S-1)

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco
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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.