

SUBSTITUTE FOR  
SENATE BILL NO. 186

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 17201 (MCL 324.17201), as added by 2002 PA 578,  
and by adding section 17206.

**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) —(a)— "Manufacturer" means a person that produces,**  
8 **imports, or distributes mercury thermometers in this state.**

1 (C) ~~(b)~~ "Mercury fever thermometer" means a mercury  
2 thermometer used for measuring body temperature.

3 (D) ~~(e)~~ "Mercury thermometer" means a product or component,  
4 other than a dry cell battery, of a product used for measuring  
5 temperature that contains mercury or a mercury compound  
6 intentionally added to the product or component. **MERCURY**  
7 **THERMOMETER DOES NOT INCLUDE A PRODUCT OR COMPONENT OF A PRODUCT**  
8 **THAT IS USED AS A REPLACEMENT FOR AN EXISTING THERMOMETER THAT**  
9 **MEASURES TEMPERATURE AS PART OF A MANUFACTURING PROCESS.**

10 (E) "THERMOSTAT" MEANS A CONSUMER PRODUCT THAT USES A SWITCH  
11 THAT CONTAINS MERCURY OR A MERCURY COMPOUND TO SENSE AND CONTROL  
12 ROOM TEMPERATURE, INCLUDING ROOM TEMPERATURE IN RESIDENTIAL,  
13 COMMERCIAL, INDUSTRIAL, AND OTHER BUILDINGS, BY COMMUNICATING WITH  
14 HEATING, VENTILATING, OR AIR CONDITIONING EQUIPMENT. THERMOSTAT  
15 DOES NOT INCLUDE A PRODUCT USED TO CONTROL TEMPERATURE AS PART OF A  
16 MANUFACTURING DEVICE.

17 SEC. 17206. (1) EXCEPT AS PROVIDED IN SUBSECTION (2),  
18 BEGINNING JANUARY 1, 2009, A PERSON SHALL NOT SELL, OFFER FOR SALE,  
19 OR DISTRIBUTE IN THIS STATE AN ESOPHAGEAL DILATOR, BOUGIE TUBE, OR  
20 GASTROINTESTINAL TUBE IF MERCURY OR A MERCURY COMPOUND WAS ADDED TO  
21 THE PRODUCT DURING ITS MANUFACTURE.

22 (2) THIS SECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:

23 (A) A PRODUCT THE USE OF WHICH IS REQUIRED BY A FEDERAL  
24 STATUTE OR REGULATION.

25 (B) A PRODUCT WHOSE ONLY MERCURY-CONTAINING COMPONENT IS A  
26 BUTTON CELL BATTERY.

27 Enacting section 1. This amendatory act does not take effect

1 unless all of the following bills of the 93rd Legislature are  
2 enacted into law:

3 (a) Senate Bill No. 123.

4 (b) Senate Bill No. 124.