

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Mercury-added Product Prohibition Act is  
5 amended by changing Sections 10 and 27 as follows:

6 (410 ILCS 46/10)

7 Sec. 10. Definitions. For the purposes of this Act, the  
8 words and terms defined in this Section shall have the meaning  
9 given, unless the context otherwise clearly requires.

10 "Agency" means the Illinois Environmental Protection  
11 Agency.

12 "Mercury fever thermometer" means any device containing  
13 liquid mercury wherein the liquid mercury is used to measure  
14 the internal body temperature of a person.

15 "Mercury-added novelty" means a mercury-added product  
16 intended for personal or household enjoyment, including but not  
17 limited to: toys, figurines, adornments, games, cards,  
18 ornaments, yard statues and figurines, candles, jewelry,  
19 holiday decorations, and footwear and other items of apparel.

20 "Mercury-added product" means a product to which mercury is  
21 added intentionally during formulation of manufacture, or a  
22 product containing one or more components to which mercury is  
23 intentionally added during formulation or manufacture.

1 "Health care facility" means any hospital, nursing home,  
2 extended care facility, long-term facility, clinic or medical  
3 laboratory, State or private health or mental institution,  
4 clinic, physician's office, or health maintenance  
5 organization.

6 "Hospital" means any institution, place, building, or  
7 agency, public or private, whether organized for profit or not,  
8 devoted primarily to the maintenance and operation of  
9 facilities for the diagnosis and treatment or care of 2 or more  
10 unrelated persons admitted for overnight stay or longer in  
11 order to obtain medical, including obstetric, psychiatric, and  
12 nursing, care of illness, disease, injury, infirmity, or  
13 deformity.

14 "Person" means any individual, partnership,  
15 co-partnership, firm, company, limited liability company,  
16 corporation, association, joint stock company, trust, estate,  
17 political subdivision, State agency, or non-profit  
18 organization, or any other legal entity.

19 "Zinc air button cell battery" means a battery that  
20 resembles a button in size and shape with a zinc anode, an  
21 alkaline electrolyte, and a cathode that is capable of  
22 catalyzing oxygen when present.

23 (Source: P.A. 95-87, eff. 8-13-07.)

24 (410 ILCS 46/27)

25 (Text of Section before amendment by P.A. 97-459)

1           Sec. 27. Sale and distribution of certain mercury-added  
2 products prohibited.

3           (a) ~~No On and after July 1, 2008, no~~ person shall sell,  
4 offer to sell, or distribute the following mercury-added  
5 products in this State:

6                 (1) barometers;

7                 (2) esophageal dilators, bougie tubes, or  
8 gastrointestinal tubes;

9                 (3) flow meters;

10                (4) hydrometers;

11                (5) hygrometers;

12                (6) manometers;

13                (7) pyrometers;

14                (8) sphygmomanometers;

15                (9) thermometers; ~~or~~

16                (10) psychrometers; or.

17                (15) zinc air button cell batteries.

18           (b) This Section does not apply to the sale of a  
19 mercury-added product listed in paragraphs (1) through (15)  
20 ~~(10)~~ of subsection (a) if use of the product is a federal  
21 requirement or if the only mercury-added component in the  
22 product is a button cell battery, other than a zinc air button  
23 cell battery.

24           (c) This Section does not apply to the sale of a  
25 mercury-added product listed in paragraphs (1) through (15)  
26 ~~(10)~~ of subsection (a) for which an exemption is obtained under

1 this subsection (c). The manufacturer of the product may apply  
2 for an exemption for one or more uses of the product by filing  
3 a written petition with the Agency. The Agency may grant an  
4 exemption, with or without conditions, if the manufacturer  
5 demonstrates the following:

6 (1) a system exists for the proper collection,  
7 transportation, and processing of the product at the end of  
8 its useful life; and

9 (2) one of the following applies:

10 (i) use of the product provides a net benefit to  
11 the environment, public health, or public safety when  
12 compared to available nonmercury alternatives; or

13 (ii) technically feasible nonmercury alternatives  
14 are not available at comparable cost.

15 Prior to approving an exemption, the Agency may consult  
16 with other states to promote consistency in the regulation of  
17 the product for which the exemption is requested. The Agency  
18 may also publish notice of its receipt of petitions for  
19 exemptions on its website and consider public comments  
20 submitted in response to the petitions. Exemptions shall be  
21 granted for a term of 5 years and may be renewed for additional  
22 5-year terms upon written application by the manufacturer if  
23 the manufacturer demonstrates that the criteria of this  
24 subsection (c) and the conditions of the product's original  
25 exemption approval continue to be met. All petitions for  
26 exemptions and exemption renewals shall be submitted on forms

1 prescribed by the Agency.

2 (Source: P.A. 95-87, eff. 8-13-07.)

3 (Text of Section after amendment by P.A. 97-459)

4 Sec. 27. Sale and distribution of certain mercury-added  
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14 (5) hygrometers;

15 (6) manometers;

16 (7) pyrometers;

17 (8) sphygmomanometers;

18 (9) thermometers;

19 (10) psychrometers;

20 (11) pressure transducers;

21 (12) rings;

22 (13) seals; ~~or~~

23 (14) sensors; or

24 (15) zinc air button cell batteries.

25 (b) This Section does not apply to the sale of a

1 mercury-added product listed in paragraphs (1) through (15)  
2 ~~(14)~~ of subsection (a) if use of the product is a federal  
3 requirement or if the only mercury-added component in the  
4 product is a button cell battery, other than a zinc air button  
5 cell battery.

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5 manufacturer demonstrates that the criteria of this subsection  
6 (c) and the conditions of the product's original exemption  
7 approval continue to be met. All petitions for exemptions and  
8 exemption renewals shall be submitted on forms prescribed by  
9 the Agency.

10 (Source: P.A. 97-459, eff. 7-1-12.)

11 Section 95. No acceleration or delay. Where this Act makes  
12 changes in a statute that is represented in this Act by text  
13 that is not yet or no longer in effect (for example, a Section  
14 represented by multiple versions), the use of that text does  
15 not accelerate or delay the taking effect of (i) the changes  
16 made by this Act or (ii) provisions derived from any other  
17 Public Act.

18 Section 99. Effective date. This Act takes effect July 1,  
19 2013.