

1 AN ACT concerning public safety.

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

4 Section 5. The Mercury Fever Thermometer Prohibition Act is
5 amended by changing Sections 1 and 10 and by adding Sections 27
6 and 35 as follows:

7 (410 ILCS 46/1)

8 Sec. 1. Short title. This Act may be cited as the
9 Mercury-added Product ~~Mercury Fever Thermometer~~ Prohibition
10 Act.

11 (Source: P.A. 93-165, eff. 1-1-04.)

12 (410 ILCS 46/10)

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

16 "Agency" means the Illinois Environmental Protection
17 Agency.

18 "Mercury fever thermometer" means any device containing
19 liquid mercury wherein the liquid mercury is used to measure
20 the internal body temperature of a person.

21 "Mercury-added novelty" means a mercury-added product
22 intended for personal or household enjoyment, including but not

1 limited to: toys, figurines, adornments, games, cards,
2 ornaments, yard statues and figurines, candles, jewelry,
3 holiday decorations, and footwear and other items of apparel.

4 "Mercury-added product" means a product to which mercury is
5 added intentionally during formulation of manufacture, or a
6 product containing one or more components to which mercury is
7 intentionally added during formulation or manufacture.

8 "Health care facility" means any hospital, nursing home,
9 extended care facility, long-term facility, clinic or medical
10 laboratory, State or private health or mental institution,
11 clinic, physician's office, or health maintenance
12 organization.

13 "Hospital" means any institution, place, building, or
14 agency, public or private, whether organized for profit or not,
15 devoted primarily to the maintenance and operation of
16 facilities for the diagnosis and treatment or care of 2 or more
17 unrelated persons admitted for overnight stay or longer in
18 order to obtain medical, including obstetric, psychiatric, and
19 nursing, care of illness, disease, injury, infirmity, or
20 deformity.

21 "Person" means any individual, partnership,
22 co-partnership, firm, company, limited liability company,
23 corporation, association, joint stock company, trust, estate,
24 political subdivision, State agency, or non-profit
25 organization, or any other legal entity.

26 (Source: P.A. 93-165, eff. 1-1-04.)

1 (410 ILCS 46/27 new)

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

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

7 (1) barometers;

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

10 (3) flow meters;

11 (4) hydrometers;

12 (5) hygrometers;

13 (6) manometers;

14 (7) pyrometers;

15 (8) sphygmomanometers;

16 (9) thermometers; or

17 (10) psychrometers.

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

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

1 subsection (c). The manufacturer of the product may apply for
2 an exemption for one or more uses of the product by filing a
3 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 (410 ILCS 46/35 new)

3 Sec. 35. The Agency may participate in the establishment
4 and implementation of a regional, multistate clearinghouse to
5 assist in carrying out the requirements of this Act.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.