

AN ACT concerning public safety.

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

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

(410 ILCS 46/1)

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

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

(410 ILCS 46/10)

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

"Agency" means the Illinois Environmental Protection Agency.

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

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

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

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

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

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

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

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

(410 ILCS 46/27 new)

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

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

(1) barometers;

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

(3) flow meters;

(4) hydrometers;

(5) hygrometers;

(6) manometers;

(7) pyrometers;

(8) sphygmomanometers;

(9) thermometers; or

(10) psychrometers.

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

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

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

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

(2) one of the following applies:

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

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

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

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prescribed by the Agency.

(410 ILCS 46/35 new)

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

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