



Sen. Martin A. Sandoval

Filed: 4/26/2012

09700HB1261sam001

LRB097 06466 RPM 68959 a

1 AMENDMENT TO HOUSE BILL 1261

2 AMENDMENT NO. _____. Amend House Bill 1261 by replacing
3 everything after the enacting clause with the following:

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

6 (410 ILCS 46/27)

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

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

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

13 (1) barometers;

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

16 (3) flow meters;

- 1 (4) hydrometers;
- 2 (5) hygrometers;
- 3 (6) manometers;
- 4 (7) pyrometers;
- 5 (8) sphygmomanometers;
- 6 (9) thermometers; ~~or~~
- 7 (10) psychrometers; or
- 8 (15) button cell batteries.

9 (b) This Section does not apply to the sale of a
10 mercury-added product listed in paragraphs (1) through (15)
11 ~~(10)~~ of subsection (a) if use of the product is a federal
12 requirement ~~or if the only mercury added component in the~~
13 ~~product is a button cell battery.~~

14 (c) This Section does not apply to the sale of a
15 mercury-added product listed in paragraphs (1) through (15)
16 ~~(10)~~ of subsection (a) for which an exemption is obtained under
17 this subsection (c). The manufacturer of the product may apply
18 for an exemption for one or more uses of the product by filing
19 a written petition with the Agency. The Agency may grant an
20 exemption, with or without conditions, if the manufacturer
21 demonstrates the following:

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

25 (2) one of the following applies:

26 (i) use of the product provides a net benefit to

1 the environment, public health, or public safety when
2 compared to available nonmercury alternatives; or

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

5 Prior to approving an exemption, the Agency may consult
6 with other states to promote consistency in the regulation of
7 the product for which the exemption is requested. The Agency
8 may also publish notice of its receipt of petitions for
9 exemptions on its website and consider public comments
10 submitted in response to the petitions. Exemptions shall be
11 granted for a term of 5 years and may be renewed for additional
12 5-year terms upon written application by the manufacturer if
13 the manufacturer demonstrates that the criteria of this
14 subsection (c) and the conditions of the product's original
15 exemption approval continue to be met. All petitions for
16 exemptions and exemption renewals shall be submitted on forms
17 prescribed by the Agency.

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

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

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

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

25 (1) barometers;

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

3 (3) flow meters;

4 (4) hydrometers;

5 (5) hygrometers;

6 (6) manometers;

7 (7) pyrometers;

8 (8) sphygmomanometers;

9 (9) thermometers;

10 (10) psychrometers;

11 (11) pressure transducers;

12 (12) rings;

13 (13) seals; ~~or~~

14 (14) sensors; or.

15 (15) button cell batteries.

16 (b) This Section does not apply to the sale of a
17 mercury-added product listed in paragraphs (1) through (15)
18 ~~(14)~~ of subsection (a) if use of the product is a federal
19 requirement ~~or if the only mercury added component in the~~
20 ~~product is a button cell battery.~~

21 (c) This Section does not apply to the sale of a
22 mercury-added product listed in paragraphs (1) through (15)
23 ~~(14)~~ of subsection (a) for which an exemption is obtained under
24 this subsection (c). The manufacturer of the product may apply
25 for an exemption for one or more uses of the product by filing
26 a written petition with the Agency. The Agency may grant an

1 exemption, with or without conditions, if the manufacturer
2 demonstrates the following:

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

6 (2) one of the following applies:

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

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

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

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

1 Section 99. Effective date. This Act takes effect July 1,
2 2013.".