



Sen. Martin A. Sandoval

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09700HB1261sam002

LRB097 06466 RPM 69081 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 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

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 "Zinc air button cell battery" means a battery that

1 resembles a button in size and shape with a zinc anode, an
2 alkaline electrolyte, and a cathode that is capable of
3 catalyzing oxygen when present.

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

5 (410 ILCS 46/27)

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

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

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

12 (1) barometers;

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

15 (3) flow meters;

16 (4) hydrometers;

17 (5) hygrometers;

18 (6) manometers;

19 (7) pyrometers;

20 (8) sphygmomanometers;

21 (9) thermometers; ~~or~~

22 (10) psychrometers; or

23 (15) zinc air button cell batteries.

24 (b) This Section does not apply to the sale of a
25 mercury-added product listed in paragraphs (1) through (15)

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

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

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

16 (2) one of the following applies:

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

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

22 Prior to approving an exemption, the Agency may consult
23 with other states to promote consistency in the regulation of
24 the product for which the exemption is requested. The Agency
25 may also publish notice of its receipt of petitions for
26 exemptions on its website and consider public comments

1 submitted in response to the petitions. Exemptions shall be
2 granted for a term of 5 years and may be renewed for additional
3 5-year terms upon written application by the manufacturer if
4 the manufacturer demonstrates that the criteria of this
5 subsection (c) and the conditions of the product's original
6 exemption approval continue to be met. All petitions for
7 exemptions and exemption renewals shall be submitted on forms
8 prescribed by the Agency.

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

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

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

13 (a) ~~No On and after July 1, 2008, no~~ person shall sell,
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18 gastrointestinal tubes;

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21 (5) hygrometers;

22 (6) manometers;

23 (7) pyrometers;

24 (8) sphygmomanometers;

25 (9) thermometers;

- 1 (10) psychrometers;
- 2 (11) pressure transducers;
- 3 (12) rings;
- 4 (13) seals; ~~or~~
- 5 (14) sensors; or.
- 6 (15) zinc air button cell batteries.

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

13 (c) This Section does not apply to the sale of a
14 mercury-added product listed in paragraphs (1) through (15)
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17 for an exemption for one or more uses of the product by filing
18 a written petition with the Agency. The Agency may grant an
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20 demonstrates the following:

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23 its useful life; and

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26 the environment, public health, or public safety when

1 compared to available nonmercury alternatives; or

2 (ii) technically feasible nonmercury alternatives
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9 response to the petitions. Exemptions shall be granted for a
10 term of 5 years and may be renewed for additional 5-year terms
11 upon written application by the manufacturer if the
12 manufacturer demonstrates that the criteria of this subsection
13 (c) and the conditions of the product's original exemption
14 approval continue to be met. All petitions for exemptions and
15 exemption renewals shall be submitted on forms prescribed by
16 the Agency.

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

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.

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