



Environmental Health Committee

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09500HB0943ham001

LRB095 08225 CMK 32454 a

1 AMENDMENT TO HOUSE BILL 943

2 AMENDMENT NO. _____. Amend House Bill 943 by replacing
3 everything after the enacting clause with the following:

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

1 "Agency" means the Illinois Environmental Protection
2 Agency.

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

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

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

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

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

1 deformity.

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

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

8 (410 ILCS 46/27 new)

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

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

14 (1) barometers;

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

17 (3) flow meters;

18 (4) hydrometers;

19 (5) hygrometers;

20 (6) manometers;

21 (7) pyrometers;

22 (8) sphygmomanometers;

23 (9) thermometers; or

24 (10) psychrometers.

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

1 added product listed in paragraphs (1) through (10) of
2 subsection (a) if use of the product is a federal requirement
3 or if the only mercury-added component in the product is a
4 button cell battery.

5 (c) This Section does not apply to the sale of a
6 mercury-added product listed in paragraphs (1) through (10) of
7 subsection (a) for which an exemption is obtained under this
8 subsection (c). The manufacturer of the product may apply for
9 an exemption for one or more uses of the product by filing a
10 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 (410 ILCS 46/35 new)

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

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