

1 AN ACT in relation to public health.

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

4 Section 1. Short title. This Act may be cited as the
5 Mercury Fever Thermometer Prohibition Act.

6 Section 5. Definitions. In this Act:

7 "Consumer" means a person who purchases or receives,
8 other than for resale, a mercury fever thermometer.

9 "Consumer" does not include a health care provider who
10 purchases or receives mercury fever thermometers for use in
11 providing medical care, treatment, or services to patients of
12 the health care provider.

13 "Health care provider" means a licensed health care
14 professional or a public or private facility licensed to
15 provide medical care or treatment in this State.

16 "Licensed health care professional" means a person
17 licensed under the Medical Practice Act of 1987, the Illinois
18 Dental Practice Act, or the Podiatric Medical Practice Act of
19 1987.

20 "Mercury-added product" means a product or a product with
21 a component that contains mercury or a mercury compound
22 intentionally added to the product or component in order to
23 provide a specific characteristic, appearance, or quality or
24 to perform a specific function or for any other reason.

25 "Mercury fever thermometer" means a mercury-added product
26 that is used for measuring body temperature.

27 "Patient" means a person who has received or is receiving
28 medical care, treatment, or services from a health care
29 provider.

30 "Prescription" means a written, oral, facsimile, or
31 electronically transmitted order for a mercury fever

1 thermometer, issued by a physician licensed to practice
2 medicine in all its branches or by a dentist, podiatrist,
3 physician assistant, or advanced practice nurse, containing
4 (i) the patient's name, (ii) the date the prescription was
5 issued, (iii) the words "mercury fever thermometer", and (iv)
6 the prescriber's name, address, and signature.

7 "Product containing mercury" means any product or any
8 product with a component that contains mercury or a mercury
9 compound from any source or cause, whether intended or
10 unintended, including, but not limited to, a mercury-added
11 product and a product manufactured using mercury.

12 Section 10. Sale or gift of mercury fever thermometers
13 prohibited.

14 (a) A person may not knowingly sell or give away, or
15 offer to sell or give away, including by means of the
16 Internet or other electronic means, a mercury fever
17 thermometer to a consumer, except by prescription.

18 (b) A health care provider may not knowingly sell or
19 give away, or offer to sell or give away, including by means
20 of the Internet or other electronic means, a mercury fever
21 thermometer to a patient of the health care provider, except
22 by prescription.

23 Section 15. Manufacture of mercury fever thermometers
24 prohibited. A person may not manufacture a mercury fever
25 thermometer in this State.

26 Section 20. Penalty for violation. A person who violates
27 this Act is guilty of a petty offense and upon conviction is
28 subject to a fine of not less than \$50 nor more than \$200 for
29 each violation.

30 Section 25. Home rule. A home rule unit may not regulate

1 the distribution or manufacture of mercury fever thermometers
2 in a manner inconsistent with the regulation of the
3 distribution and manufacture of mercury fever thermometers by
4 the State under this Act. This Section is a limitation under
5 subsection (i) of Section 6 of Article VII of the Illinois
6 Constitution on the concurrent exercise by home rule units of
7 powers and functions exercised by the State.