

AN ACT in relation to public health.

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

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

Section 5. Findings.

(a) The General Assembly finds:

(1) that human exposure to mercury can result in
adverse health effects, and mercury pollutants have been
linked to nervous system, kidney, and liver damage and
impaired childhood development;

(2) that mercury fever thermometers are easily
broken, creating a potential risk of dangerous exposure
to mercury vapor in indoor air and risking mercury
contamination of the environment;

(3) that accidental mercury spills and thermometer
breakages have proven costly to clean up;

(4) that according to the Mercury Study Report,
prepared by the U.S. Environmental Protection Agency and
submitted to the U.S. Congress in 1997, mercury fever
thermometers contribute approximately 17 tons of mercury
to solid waste each year;

(5) that according to the U.S. Environmental
Protection Agency, the quantity of mercury in one mercury
fever thermometer, approximately one gram, is enough to
contaminate all fish in a lake with a surface area of 20
acres;

(6) that accurate and safe alternatives to mercury
thermometers are readily available and comparable in
cost; and

(7) that many national pharmacy and retail chains

have discontinued the sale of mercury thermometers to consumers.

(b) It is the purpose of this Act to prohibit the sale, distribution, or promotional gifts of mercury fever thermometers in this State.

Section 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.

"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.

"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.

Section 15. Sale, distribution, or promotional gifts of mercury fever thermometers prohibited.

(a) On or after July 1, 2004, no person shall sell, distribute, or give for promotional purposes (including online retail) mercury fever thermometers in this State.

(b) On or after July 1, 2004, no hospital shall distribute mercury fever thermometers in maternity or new baby gift packs to patients.

(c) This Section does not apply to mercury fever thermometers sold or provided to be used in a health care facility.

Section 20. Manufacturing of mercury fever thermometers prohibited. On or after July 1, 2004, no person shall manufacture a mercury fever thermometer in this State.

Section 25. Sale, distribution, or promotional gifts of mercury-added novelty products prohibited. On and after July 1, 2004, no mercury-added novelty products may be offered for sale or distributed for promotional purposes in Illinois if the offerer or distributor knows or has reason to know that the product contains mercury, unless the mercury is solely within a button-cell battery or a fluorescent light bulb.

Section 30. Penalty for violation. A person who violates this Act shall be guilty of a petty offense and upon conviction shall be subject to a fine of not less than \$50 and not more than \$200 for each violation.