

HB2363



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2363

Introduced 2/14/2023, by Rep. Nicholas K. Smith

SYNOPSIS AS INTRODUCED:

New Act

Creates the Clean Lighting Act. Prohibits offering for final sale, selling at final sale, or distributing as a new manufactured product (i) a screw or bayonet base compact fluorescent lamp on and after January 1, 2024 and (ii) a pin-base compact fluorescent lamp or a linear fluorescent lamp on and after January 1, 2025. Exempts specified lamps from the Act. Contains enforcement provisions. Allows the Environmental Protection Agency to adopt rules to implement and enforce the Act. Contains a severability provision. Contains other provisions.

LRB103 04761 CPF 53860 b

A BILL FOR

1 AN ACT concerning safety.

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 Clean
5 Lighting Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) Mercury is a persistent and toxic pollutant that
8 bioaccumulates in the environment and poses a serious
9 threat to humans, particularly young children, and
10 wildlife.

11 (2) Human exposure to mercury can result in nervous
12 system, kidney, and liver damage and impaired childhood
13 development.

14 (3) Removal of mercury and mercury-containing products
15 from the waste stream prior to combustion or disposal is
16 an effective way to reduce mercury pollution.

17 (4) All fluorescent lamps contain mercury and can
18 create an immediate public health and environmental hazard
19 when they accidentally break during installation, use,
20 transportation, storage, recycling, or disposal.

21 (5) Light-emitting diode (LED) replacements for
22 fluorescent lamps do not contain any mercury.

1 Section 10. Definitions. In this Act:

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

4 "Compact fluorescent lamp" means a compact low-pressure,
5 mercury-containing, electric-discharge light source in which a
6 fluorescent coating transforms some of the ultraviolet energy
7 generated by the mercury discharge into visible light, and
8 includes all of the following characteristics:

9 (1) One base (end cap) of any type, including, but not
10 limited to, screw, bayonet, 2 pins, and 4 pins.

11 (2) Integrally ballasted or non-integrally ballasted.

12 (3) Light emission between a correlated color
13 temperature of 1700K and 24000K and a Duv of +0.024 and
14 -0.024 in the International Commission on Illumination
15 (CIE) Uniform Color Space (CAM02-UCS).

16 (4) All tube diameters and all tube lengths.

17 (5) All lamp sizes and shapes for directional and
18 nondirectional installations, including, but not limited
19 to, PL, spiral, twin tube, triple twin, 2D, U-bend, and
20 circular.

21 "Linear fluorescent lamp" means a low-pressure,
22 mercury-containing, electric-discharge light source in which a
23 fluorescent coating transforms some of the ultraviolet energy
24 generated by the mercury discharge into visible light, and
25 includes all of the following characteristics:

26 (1) Two bases (end caps) of any type, including, but

1 not limited to, single-pin, two-pin, and recessed double
2 contact.

3 (2) Light emission between a correlated color
4 temperature of 1700K and 24000K and a Duv of +0.024 and
5 -0.024 in the CIE CAM02-UCS.

6 (3) All tube diameters, including, but not limited to,
7 T5, T8, T10, and T12.

8 (4) All tube lengths from 0.5 to 8.0 feet, inclusive.

9 (5) All lamp shapes, including, but not limited to,
10 linear, U-bend, and circular.

11 "Sunlamp product" has the same meaning as defined in
12 paragraph (9) of subsection (b) of Section 1040.20 of
13 Subchapter J of Title 21 of the Code of Federal Regulations.

14 Section 15. Clean lighting standard.

15 (a) On and after January 1, 2024, it shall be a violation
16 of this Act to offer for final sale, sell at final sale, or
17 distribute in this State as a new manufactured product a screw
18 or bayonet base type compact fluorescent lamp.

19 (b) On and after January 1, 2025, it shall be a violation
20 of this Act to offer for final sale, sell at final sale, or
21 distribute in this State as a new manufactured product a
22 pin-base type compact fluorescent lamp or a linear fluorescent
23 lamp.

24 Section 20. Exemptions. This Act does not apply to the

1 following:

2 (a) A lamp designed and marketed exclusively for image
3 capture and projection, including:

- 4 (1) photocopying;
5 (2) printing, directly or in preprocessing;
6 (3) lithography;
7 (4) film or video projection; and
8 (5) holography.

9 (b) A lamp that has a high proportion of ultraviolet light
10 emission and is one of the following:

11 (1) A lamp with high ultraviolet content that has
12 ultraviolet power greater than 2 milliwatts per kilolumen
13 (mW/klm).

14 (2) A lamp for germicidal use, such as the destruction
15 of DNA, that emits a peak radiation of approximately 253.7
16 nanometers.

17 (3) A lamp designed and marketed exclusively for
18 disinfection or fly trapping from which either the
19 radiation power emitted between 250 and 315 nanometers
20 represents at least 5% of, or the radiation power emitted
21 between 315 and 400 nanometers represents at least 20% of,
22 the total radiation power emitted between 250 and 800
23 nanometers.

24 (4) A lamp designed and marketed exclusively for the
25 generation of ozone where the primary purpose is to emit
26 radiation at approximately 185.1 nanometers.

1 (5) A lamp designed and marketed exclusively for coral
2 zooxanthellae symbiosis from which the radiation power
3 emitted between 400 and 480 nanometers represents at least
4 40% of the total radiation power emitted between 250 and
5 800 nanometers.

6 (6) Any lamp designed and marketed exclusively for use
7 in a sunlamp product, as defined in paragraph (9) of
8 subsection (b) of Section 1040.20 of Subchapter J of Title
9 21 of the Code of Federal Regulations on the effective
10 date of this Act.

11 (c) A lamp designed and marketed exclusively for use in
12 medical or veterinary diagnosis or treatment or in a medical
13 device.

14 (d) A lamp designed and marketed exclusively for use in
15 the manufacturing or quality control of pharmaceutical
16 products.

17 (e) A lamp designed and marketed exclusively for
18 spectroscopy and photometric applications, such as UV-visible
19 spectroscopy, molecular spectroscopy, atomic absorption
20 spectroscopy, nondispersive infrared (NDIR), Fourier transform
21 infrared (FTIR), medical analysis, ellipsometry, layer
22 thickness measurement, process monitoring, or environmental
23 monitoring.

24 (f) A lamp used by academic and research institutions for
25 conducting research projects and experiments.

1 Section 25. Implementation; enforcement.

2 (a) The Agency may cause periodic inspections to be made
3 of distributors or retailers in order to determine compliance
4 with this Act. The Agency shall investigate complaints
5 received concerning violations of this Act.

6 (b) If the Agency finds that any person has committed a
7 violation of any provision of this Act, the Agency shall issue
8 a warning to the person. Any person who commits a second
9 violation after the issuance of the warning shall be subject
10 to a civil penalty, issued by the Agency, of up to \$100 for
11 each offense. Any further violations committed by the person
12 after the second violation shall be subject to a civil penalty
13 of not more than \$500 for each offense. Each lamp offered,
14 sold, or distributed in violation of Section 15 shall
15 constitute a separate violation, each violation shall
16 constitute a separate offense, and each day that a violation
17 occurs shall constitute a separate offense.

18 (c) If the Agency finds that repeated violations have
19 occurred, it shall report the results of the violations to the
20 Attorney General. The Attorney General may institute
21 proceedings to seek an injunction in circuit court to enforce
22 this Act.

23 (d) The Agency may adopt rules as necessary to ensure the
24 proper implementation and enforcement of this Act.

25 Section 97. Severability. The provisions of this Act are

1 severable under Section 1.31 of the Statute on Statutes.