

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. Findings.

7 (a) The General Assembly finds:

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

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

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

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

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

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

31 (7) that many national pharmacy and retail chains

1 have discontinued the sale of mercury thermometers to
2 consumers.

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

6 Section 10. Definitions. For the purposes of this Act,
7 the words and terms defined in this Section shall have the
8 meaning given, unless the context otherwise clearly requires.

9 "Mercury fever thermometer" means any device containing
10 mercury wherein the mercury is used to measure the internal
11 body temperature of a person.

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

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

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

30 "Person" means any individual, partnership,
31 co-partnership, firm, company, limited liability company,
32 corporation, association, joint stock company, trust, estate,
33 political subdivision, State agency, or non-profit

1 organization, or any other legal entity.

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

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

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

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

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

16 Section 25. Sale, distribution, or promotional gifts of
17 mercury-added novelty products prohibited. On and after July
18 1, 2004, no mercury-added novelty products may be offered for
19 sale or distributed for promotional purposes in Illinois if
20 the offerer or distributor knows or has reason to know that
21 the product contains mercury, unless the mercury is solely
22 within a button-cell battery.

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