## 92\_HB3637ham003

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## LRB9209406DJgcam01

1AMENDMENT TO HOUSE BILL 36372AMENDMENT NO. \_\_\_\_. Amend House Bill 3637 by replacing

AMENDMENT NO. \_\_\_\_. Amend House Bill 3037 by replacing
everything after the enacting clause with the following:

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

6 Section 5. Findings.

(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 thermometer17 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;

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1 (5) that according to the U.S. Environmental 2 Protection Agency, the quantity of mercury in one mercury 3 fever thermometer, approximately one gram, is enough to 4 contaminate all fish in a lake with a surface area of 20 5 acres;

6 (6) that accurate and safe alternatives to mercury 7 thermometers are readily available and comparable in 8 cost; and

9 (7) that many national pharmacy and retail chains 10 have discontinued the sale of mercury thermometers to 11 consumers.

12 (b) It is the purpose of this Act to prohibit the sale, 13 distribution, or promotional gifts of mercury fever 14 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 mercury wherein the mercury is used to measure the internal body temperature of a person.

"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, 26 or agency, public or private, whether organized for profit or 27 28 not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of 2 or 29 more unrelated persons admitted for overnight stay or longer 30 in order to obtain medical, including obstetric, psychiatric, 31 and nursing, care of illness, disease, injury, infirmity, or 32 33 deformity.

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"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.

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

8 (a) On or after July 1, 2003, no person shall sell, 9 distribute, or give for promotional purposes (including 10 online retail) mercury fever thermometers in this State.

(b) On or after July 1, 2003, no hospital shall distribute mercury fever thermometers in maternity or new baby gift packs to patients.

14 (c) This Section does not apply to mercury fever 15 thermometers sold or provided to be used in a health care 16 facility.

Section 20. Manufacturing of mercury fever thermometers prohibited. On or after July 1, 2003, no person shall manufacture a mercury fever thermometer in this State.

20 Section 25. Penalty for violation. A person who violates 21 this Act shall be guilty of a petty offense and upon 22 conviction shall be subject to a fine of not less than \$50 23 and not more than \$200 for each violation.".

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