

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.

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

18 "Mercury fever thermometer" means any device containing
19 mercury wherein the mercury is used to measure the internal
20 body temperature of a person.

21 "Health care facility" means any hospital, nursing home,
22 extended care facility, long-term facility, clinic or medical
23 laboratory, State or private health or mental institution,
24 clinic, physician's office, or health maintenance
25 organization.

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

1 "Person" means any individual, partnership,
2 co-partnership, firm, company, limited liability company,
3 corporation, association, joint stock company, trust, estate,
4 political subdivision, State agency, or non-profit
5 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.

11 (b) On or after July 1, 2003, no hospital shall
12 distribute mercury fever thermometers in maternity or new
13 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.

17 Section 20. Manufacturing of mercury fever thermometers
18 prohibited. On or after July 1, 2003, no person shall
19 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."