

2011 -- H 6241

LC02837

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY - MERCURY REDUCTION AND EDUCATION  
ACT

Introduced By: Representative Laurence W. Ehrhardt

Date Introduced: June 09, 2011

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-24.9-6 of the General Laws in Chapter 23-24.9 entitled  
2 "Mercury Reduction and Education Act" is hereby amended to read as follows:

3 **23-24.9-6. Restrictions on the sale of certain mercury-added products.** -- (a) No later  
4 than January 1, 2003, no mercury-added novelty shall be offered for final sale or use or  
5 distributed for promotional purposes in Rhode Island. Manufacturers that produce and sell  
6 mercury-added novelties must notify retailers about the provisions of this product ban and how to  
7 dispose of the remaining inventory properly. The requirements of this section shall apply to all  
8 mercury-added novelties irrespective of whether or not the product is exempt from the phase-out  
9 requirements of section 23-24.9-11.

10 (b) No mercury fever thermometer may be distributed, sold or offered for sale in this  
11 state on or after January 1, 2002, except by prescription. As used in this section, the term  
12 "mercury fever thermometer" includes any device containing mercury in which the mercury is  
13 used to measure the internal body temperature of a person. This restriction shall not apply to  
14 digital thermometers utilizing mercury-added button cell batteries. The manufacturers of mercury  
15 fever thermometers shall supply clear instructions on the careful handling of the thermometer to  
16 avoid breakage and proper cleanup should a breakage occur with all mercury fever thermometers  
17 sold through prescription. Mercury fever thermometers manufacturers must also comply with  
18 sections 23-24.9-5 and 23-24.9-7 -- 23-24.9-10.

1 (c) After January 1, 2003, no school in Rhode Island may use or purchase for use in a  
2 primary or secondary classroom, bulk elemental or chemical mercury, or mercury compounds.  
3 Manufacturers that produce and sell such materials must notify retailers about the provisions of  
4 this ban and how to dispose of the remaining inventory properly. Other mercury-added products  
5 that are used by schools are not subject to this prohibition.

6 (d) Button cell batteries. - After June 30, 2011 a person may not sell or offer to sell or  
7 distribute for promotional purposes a mercury-added cell battery for consumer use or a product  
8 for consumer use that contains a mercury-added button cell battery, except: (1) A battery  
9 containing mercury described as an Hg-silver oxide battery that is used exclusively in a medical  
10 device to automatically deliver insulin to a person may be sold or distributed for promotional  
11 purposes until January 1, 2015; and (2) Silver oxide batteries may be offered for sale or  
12 distributed for promotional purposes until June 30, 2012.

13 (e) Commencing February 1, 2011, the following sales prohibitions shall apply to  
14 manufacturers, thermostat wholesalers, and thermostat retailers:

15 (1) A manufacturer not in compliance with section 23-24.9-10.2, is prohibited from  
16 offering any thermostat for final sale in the state, selling any thermostat at final sale in the state or  
17 distributing any thermostat in the state.

18 (2) A thermostat wholesaler or contractor shall not offer for final sale, sell at final sale or  
19 distribute any thermostat unless the wholesaler or contractor acts as a collection site for  
20 thermostats that contain mercury:

21 (i) A wholesaler or contractor may meet the requirements of this subsection by  
22 participating as a collection site in a manufacturer's collection program as described under section  
23 23-24.9-10.2, or by collecting thermostats that contain mercury and managing the collected  
24 thermostats in accordance with applicable federal and state universal waste rules.

25 (ii) A wholesaler or retailer acting as a collection site shall provide visible signage at the  
26 site about the collection and recycling of mercury thermostats.

27 (3) A thermostat wholesaler or thermostat retailer shall not offer for final sale, sell at a  
28 final sale, or distribute in this state any thermostat of a manufacturer that is not in compliance  
29 with section 23-24.9-10.2.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would provide certain exemptions to the ban on the sale or distribution of
- 2 mercury-added cell batteries or mercury-added button cell batteries and would provide for time
- 3 limits after which such exempted batteries could be used.
- 4           This act would take effect upon passage.

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