

Status of Local, State and Federal Mercury Product Legislation and Laws
2003-2004 Legislative Sessions
March 10, 2003

The regulation of mercury in products at the state and federal level is increasing rapidly. A good summary of existing state and federal laws as of the fall of 2001 on mercury product legislation is found in Appendix A of a draft report on mercury by the California Department of Toxic Substances Control, and found on the Internet at http://www.dtsc.ca.gov/HazardousWaste/HWMP_REP_DraftMercury2.pdf. Local ordinances and state laws are also available on the web page of Health Care Without Harm, http://www.noharm.org/index.cfm?page_ID=14#local. Also, this author can be contacted for a list of mercury product legislation from the 2001-2003 sessions.

For mercury product legislation currently under consideration, the following is a summary of the bills that this compiler has found, along with their status and web page links. While the goal is to be complete, it is known that there are other measures – especially at local government levels – that have been missed.

Arizona

HB 2467 would prohibit the use of mercury amalgam fillings in certain situations, including children under 18, nursing mothers or pregnant women. In addition, dentists would need to provide information to their patients on the advantages and disadvantages of mercury fillings. Assigned to Human Services Committee which voted 5-3 to adopt on February 13, 2003, and Rules Committee, which voted on February 13, 2003 that the bill was constitutional and in the proper form. A second reading was held on February 17, 2003. It appears that on February 26, 2003, the Majority Caucus voted to hold the bill, while the Minority Caucus voted to approve the bill.

<http://www.azleg.state.az.us/legtext/46leg/1r/bills/hb2467p.htm>

http://www.azleg.state.az.us/legtext/46leg/1r/summary/h.hb2467_02-12-03_hs.doc.htm

<http://www.azleg.state.az.us/legtext/46leg/1r/bills/hb2467o.asp>

SB 1186 would ban the use of outdoor mercury vapor lighting after January 1, 2011.

<http://www.azleg.state.az.us/legtext/46leg/1r/bills/sb1186p.htm>

Arkansas

HB 1282 would prohibit the sale or installation of outdoor mercury vapor lighting as of January 1, 2004.

<http://www.arkleg.state.ar.us/ftproot/bills/2003/public/hb1282/hb1282-012920031250.rtf>

<http://www.arkleg.state.ar.us/2003/scripts/ablr/bills/bills.asp?billno=HB1282>

HB 1309 is known as the “Mercury Poisoning Reduction Act” would require manufacturers of mercury-containing products to provide information on these products to the state, require these products to be labeled, ban the sale of mercury fever thermometers except by prescription, ban the purchase of elemental mercury or mercury laboratory equipment in schools (with an exception for lab thermometers for which no substitute is available), ban the sale of mercury containing novelties, ban the landfilling of labeled products, require municipal and regional solid waste facilities to develop mercury collection programs, and require the establishment of mercury public education programs. Introduced January 31, 2003. Read the first time, rules suspended, read the second time and referred to the Committee on Public Health, Welfare And Labor Committee- House. Hearing scheduled for February 20, 2003.

<http://www.arkleg.state.ar.us/ftproot/bills/2003/public/hb1309/hb1309-112620021319.pdf>

<http://www.arkleg.state.ar.us/>

<http://www.arkleg.state.ar.us/2003/scripts/ablr/bills/bills.asp?billno=HB1309>

California

AB 455, the “Toxics in Packaging Prevention Act” would prohibit the use of mercury in packaging after January 1, 2004 except as specified.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_455&sess=CUR&house=B&author=chu

AB 611 would require the installation of dental amalgam separators by January 1, 2004, along with training of staff in each office to maintain the equipment.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_611&sess=CUR&house=B&author=negrete_mcleod

AB 999 would require dental insurers to provide insurance for alternatives to mercury amalgam fillings.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_999&sess=CUR&house=B&author=jerome_horton

AB 1255 would require the Department of Toxic Substances Control to include a list of sources of mercury in products in a report due to the Legislature on January 1, 2004, which currently is limited to information on mercury in automobiles.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1255&sess=CUR&house=B&author=levine

AB 1699, known as the “Mercury Recycling Enhancement Act of 2003” would prohibit any person, after January 1, 2004. Developed by the Committee on Environmental Safety and Toxic Materials.

[http://www.leginfo.ca.gov/cgi-](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1699&sess=CUR&house=B&author=committee_on_environmental_safety_and_toxic_mater)

[bin/postquery?bill_number=ab_1699&sess=CUR&house=B&author=committee_on_environmental_safety_and_toxic_mater](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1699&sess=CUR&house=B&author=committee_on_environmental_safety_and_toxic_mater)

Senate Joint Resolution 4 requests that the US Congress repeal language Homeland Security Act of 2002 that bars existing lawsuits by parents of children who allege that products manufactured by Eli Lilly and Company and other pharmaceutical companies led to their children’s health conditions from Thimerosal.

http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sjr_4&sess=CUR&house=B&author=dunn

Florida

SB 674 would set up a program for electronics disposal, including those products that have mercury-containing lamps. Introduced February 4, 2003, referred to five committees and subcommittees.

http://www.flsenate.gov/Session/index.cfm?Mode=Bills&SubMenu=1&BI_Mode=ViewBillInfo&BillNum=0674

Georgia

HB 442 would prohibit the use of mercury amalgam fillings in women younger than 45 years old and men younger than 18 and require that dentists provide patients information on the use of amalgam fillings. Had a second reading on February 26, 2003. In the Committee on Health and Human Services.

http://www.legis.state.ga.us/legis/2003_04/sum/hb442.htm

Hawaii

SB 29 directs department of health to adopt rules to establish a cathode ray tube recycling program by July 1, 2008 Adopted unanimously by the Senate on March 4, 2003, and sent to the House.

http://www.capitol.hawaii.gov/sessioncurrent/bills/sb29_.htm

<http://www.capitol.hawaii.gov/site1/docs/getstatus2.asp?billno=SB29>

Illinois

HB 0411 and SB 0371 would prohibit the sale, distribution and manufacture of mercury fever thermometers after July 1, 2004, but would exempt thermometers sold or provided to be used in health care facilities. Assigned to Human Services Committee.

<http://www.legis.state.il.us/legislation/93/hb/09300hb0411.htm>

<http://www.legis.state.il.us/legislation/billstatus.asp?DocNum=0411&GAID=3&DocTypeID=HB&LegID=834&SessionID=3>

HB 1530 and SB 0351 would prohibit the sale, distribution and manufacture of mercury fever thermometers and mercury-added novelty products after July 1, 2004, but would exempt thermometers sold or provided to be used in health care facilities.

<http://www.legis.state.il.us/legislation/93/hb/09300hb1530lv.htm>

<http://www.legis.state.il.us/legislation/93/sb/09300sb0351lv.htm>

HB 1165 would set up a Computer Equipment Disposal and Recycling Commission, with the bill noting the presence of mercury in computers. In the Computer Technology Committee.

<http://www.legis.state.il.us/legislation/93/hb/09300hb1165.htm>

<http://www.legis.state.il.us/legislation/billstatus.asp?DocNum=1165&GAID=3&DocTypeID=HB&LegID=1736&SessionID=3>

SB 455 would prohibit the use of mercury amalgams in dental procedures for pregnant women and for children under 8 years in age. Assigned to Health & Human Services Committee.

<http://www.legis.state.il.us/legislation/billstatus.asp?DocNum=0351&GAID=3&DocTypeID=SB&LegID=2107&SessionID=3>

<http://www.legis.state.il.us/legislation/93/sb/09300sb0455.htm>

Indiana

HB 1300 would allow solid waste districts to conduct education and collection programs for mercury and mercury-containing products. Introduced January 13, 2003, read first time and referred to Committee on Ways and Means. <http://www.in.gov/legislative/bills/2003/IN/IN1300.1.html>

HB 1674 would allow solid waste districts to conduct education and collection programs for mercury and mercury-containing products. Introduced on January 21, 2003, read first time and referred to Committee on Environmental Affairs.

<http://www.in.gov/legislative/bills/2003/IN/IN1674.1.html>

HB 1839 would prohibit the sales or installation of mercury-vapor lamps and require their removal by January 1, 2006. It would also prohibit the sales or installation of outdoor fluorescent lamps. January 23, 2003, read first time and referred to Committee on Commerce and Economic Development.

<http://www.in.gov/legislative/bills/2003/IN/IN1839.1.html>

Maine

LD 134 would require that by January 1, 2004 the Department of Environmental Protection shall establish rules for dental offices and other places where mercury amalgam fillings are prepared, used, removed, replaced or repaired relative to the use of environmentally appropriate disposal equipment for amalgam waste to trap and dispose of mercury. Referred to the Committees on Natural Resources in both houses on January 21, 2003.

<http://www.mainelegislature.org/legis/bills/billtexts/ld013401-1.asp>

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=134>

LD 385 is an act to change the reporting requirements for the mercury switch removal program for motor vehicles. Adopted by the House on March 4, 2003 and the Senate on March 5, 2003.

<http://www.mainelegislature.org/legis/bills/billtexts/ld038501-1.asp>

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=385>

LD 697 would require the installation of dental amalgam separator systems in dental offices that place or remove dental amalgams. House referred to the Committee on Natural Resources.

<http://www.mainelegislature.org/legis/bills/billtexts/LD069701-1.asp>

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=697>

LD 743 bans the incineration and landfilling of electronic equipment, in part due to the mercury in these products. Requires the elimination of mercury in electronics sold in Maine by 2006. Unless proven otherwise, mercury-contaminated soil near landfills is presumed to be polluted by electronics. House referred to the Committee on Natural Resources on February 14, 2003

<http://www.mainelegislature.org/legis/bills/billtexts/ld074301-4.asp>

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?LD=743>

LD 1159 is known as the “An Act to Reduce Mercury Use in Measuring Devices and Switches”, and, with some exceptions, bans the sale of mercury thermostats as of January 1, 2006 and other mercury devices -- barometers; esophageal dilators, bougie tubes and gastrointestinal tubes; flow meters; hydrometers; hygrometers and psychrometers; specified manometers; pyrometers; sphygmomanometers; and specified thermometers – on July 1, 2006. In the Committee on Natural Resources in both Houses.
<http://www.mainelegislature.org/legis/bills/ld.asp?LD=1159>

Maryland

HB 62 would require labeling of specific products with mercury after April 1, 2005 and the disposal of specific mercury-containing products after October 1, 2005, unless certain conditions are met. Introduced on January 21, 2003 and referred to Environmental Matters, where it had an unfavorable report on February 24, 2003. <http://mlis.state.md.us/2003rs/billfile/hb0062.htm>

HB 348 would require each agency to purchase environmental preferable products, with one goal to reduce mercury in the waste stream Identical with SB 541. Introduced February 3, 2003 and assigned to Health and Government Operations. Hearing scheduled on March 13, 2003.
<http://mlis.state.md.us/2003rs/billfile/hb0348.htm>

SB 541 is the same as HB 348 above. Introduced January 31, 2003 and assigned to Education, Health, and Environmental Affairs. A hearing was held on March 6, 2003.
<http://mlis.state.md.us/2003rs/billfile/sb0541.htm>

Massachusetts

SB 692 is a comprehensive mercury product reduction bill, requiring manufacturers to report to the state on the sales of mercury-added products, a phase-out of products with mercury, a ban on the landfilling of mercury-added products and participation in a multi-state mercury clearinghouse. Assigned to the Health Care Committee.
<http://www.state.ma.us/legis/bills/st00692.htm>

SB 1269 directs each city and town to develop a Clean Sweep facility to be open at least one day a week and collect a wide range of products, including fluorescent lamps, batteries and mercury-containing products such as fluorescent bulbs, thermometers and thermostats. Assigned to the Committee on Natural Resources and Agriculture.
<http://www.state.ma.us/legis/bills/st01269.htm>

Michigan

SB 94 would prohibit the use of mercury in hospitals after December 31, 2005, unless no mercury-free product is available. Introduced January 28, 2003, referred to Committee on Natural Resources and Environmental Affairs.
<http://michiganlegislature.org/mileg.asp?page=getObject&objName=2003-SB-0094&userid=>

Nebraska

LB 136 would prohibit the sale and distribution of mercury fever thermometers Introduced on January 10, 2003; referred to Judiciary.
http://search.unicam.state.ne.us/pdfs/intro_lb136.pdf

LB 301 creates the Electronic Equipment Recycling Act, in part due to the mercury in this equipment. Introduction January 13, 2003; referred to Natural Resources.
http://search.unicam.state.ne.us/pdfs/intro_lb301.pdf

New Hampshire

HB 366 is a comprehensive bill to reduce the use of mercury in products based on the NEWMOA model. Similar legislation was introduced last session, but was not adopted. This bill contains several modifications to last session's bill. Introduced January 9, 2003. Referred to Science, Technology and Energy. Hearing scheduled for March 10, 2003.

<http://gencourt.state.nh.us/legislation/2003/HB0366.html>

<http://gencourt.state.nh.us/ns/billstatus/billdetails.asp>

SB 185 would require vehicle manufacturers to set up a program to recover mercury switches in automobiles, with an effective date of January 1, 2004. Introduced January 30, 2003. In the Environment Committee. Hearing scheduled for March 12, 2003.

<http://gencourt.state.nh.us/legislation/2003/SB0185.html>

New Jersey

S371 would ban the sale of all mercury thermometers. It is the same as S2315 and A3250 from last session. Introduced January 8, 2003 and referred to the Senate Environment Committee.

http://www.njleg.state.nj.us/2002/Bills/S0500/371_I1.HTM

New York

A05932 Enacts "The Mercury-Free Water Resources and Mercury Reduction Management Strategy Act of 2003" provides for: disclosure of mercury content, phase-out of mercury-added products, disposal prohibition, labeling, source separation, collection, requirements for sewage treatment plants, point source release containment traps, ban on sale or distribution of certain mercury products, replacement of manometers and gas pressure regulators (agriculture dept. to handle for dairy industry), regulates dental use and bans health insurance discrimination therein, requires lamp recycling; adds all mercury-added products to state universal waste rules; provides for a state advisory committee on mercury pollution; provides for penalties for violations. Referred to Environmental Conservation

<http://assembly.state.ny.us/leg/?bn=A05932>

A06219 Prohibits the sale of mercury fever thermometers. Referred to Environmental Conservation.

<http://assembly.state.ny.us/leg/?bn=A06219>

A06259 Enacts the "mercury-free vehicle act of 2004" and requires automobile manufacturers to establish and implement plans which provide for the removal, replacement, collection and recovery of mercury-added components from motor vehicles currently on the road or about to be scrapped; such plans shall be subject to the review and approval of the commissioner of environmental conservation; requires mercury-added components to be removed from motor vehicles prior to recycling; requires manufacturers to phase-out the use of mercury-added components in new cars; establishes civil penalties for violations; grants a preference to mercury-free vehicles in state purchasing. Referred to Environmental Conservation.

<http://assembly.state.ny.us/leg/?bn=A06259>

A06416 Prohibits use, purchase and storage of mercury and mercury instruments in schools. Referred to the Education Committee.

<http://assembly.state.ny.us/leg/?bn=A06416>

Oregon

SB 681 Requires written informed consent prior to procedure or treatment that uses dental materials containing mercury. Prohibits use of dental materials containing mercury in women of child-bearing age or in children. Prohibits use of dental materials containing mercury in people with metal orthodontic devices in their mouths. Prohibits use of dental materials containing mercury after July 1, 2007.

<http://www.leg.state.or.us/03reg/measures/sb0600.dir/sb0681.intro.html>

SB 695 Directs the Department of Human Services to conduct study of mercury amalgam fillings in human teeth and environmental sources of mercury ingestion. Directs Oregon Health and Science University to assist department in conducting study.

<http://www.leg.state.or.us/03reg/measures/sb0600.dir/sb0695.intro.html>

SB 701 directs the Department of Environmental Quality to conduct study of methods that may be used to chemically treat solid waste that contains mercury.

<http://www.leg.state.or.us/03reg/measures/sb0700.dir/sb0701.intro.html>

SB 818 Requires person selling or distributing product containing elemental mercury or mercury compounds to notify Director of Human Services. Prohibits sale of product containing elemental mercury or mercury compound without label. Specifies contents of label. Requires catalog, telephone and Internet sellers of products containing elemental mercury or mercury compounds to advise purchaser that product contains mercury. Requires manufacturer of product containing elemental mercury or mercury compounds to develop plan for recycling and collection of product. Defines manufacturer. Specifies contents of plan. Requires report to Department of Environmental Quality on effectiveness of plan. Directs Environmental Quality Commission to identify persons holding air quality or water quality permit that allows emission of more than 10 pounds of mercury per year. Directs identified persons to submit mercury reduction plan to Department of Environmental Quality. Directs department to require reductions in mercury emissions under certain conditions.

<http://www.leg.state.or.us/03reg/measures/sb0800.dir/sb0818.intro.html>

Rhode Island

H 5356, the “Mercury-Free Vehicle Act”, would require vehicle manufacturers to develop and implement a plan to remove and recover mercury switches with a minimum 90% capture rate. Introduced January 30, 2003. To Joint Committee on Environment & Energy

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=3571

H 6040 would modify existing statutes that put a fee on hard to dispose of materials by adding a 50¢ fee to fluorescent bulbs of any size and mandate that the state Resource Recovery Corporation set up a system to accept fluorescent lamps from all sources. Referred to Joint Environment & Energy.

<http://www.rilin.state.ri.us/BillText/BillText03/HouseText03/H6040.htm>

H 6149, modifies the state’s “Mercury Reduction and Education Act”. Referred to Health Education and Welfare, it is a companion bill to S 0029. Referred to Committee on Health Education and Welfare.

<http://www.rilin.state.ri.us/BillText/BillText03/HouseText03/H6149.htm>

S 0029 would amend the mercury reduction and education act by amending the definition of a “mercury-added product” to be those products for which mercury was intentionally added in amounts of 10 milligrams or more. Introduced January 14, 2003. To Senate Environment and Agriculture

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=2685

S 0030 would extend exemption dates for the elimination of mercury and other hazardous materials in packaging. Referred to Senate Committee on Environment and Agriculture.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=2686

S 0275 would establish the “Mercury-Free Vehicle Act”, and is a companion to H 5356. There is no recorded action on this bill.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=3771

S 0578 would delay implementation of the state’s mercury reduction program until the director of the state agency determines that other states in the inter-state clearinghouse have adopted similar rules. Referred to Senate Committee on Environment and Agriculture.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=4738

S 0640 is known as the “Mercury-Free Vehicle Act” and is identical with S 0275 and a companion to H 5356. Referred to Senate Environment & Agriculture Committee.

<http://www.rilin.state.ri.us/BillText/BillText03/SenateText03/S0640.htm>

S 0851 is a resolution known as the “Mercury Safe School Program”, in which the Senate of the State of Rhode Island and Providence Plantations encourages schools to participate in the mercury free schools program to eliminate or reduce and manage mercury-containing items within their schools. Referred to Senate Environment and Agriculture Committee.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=5045

S 0853, is known as the “Mercury-Free Vehicle Act”, and is a companion to H 5356. Referred to Senate Environment and Agriculture.

http://www.rules.state.ri.us/billtracker/index.php?page=show_detail.php&id=5047

South Carolina

S 148 would set up an electronics recycling program, in part due to the mercury within the products. Introduced on January 14, 2003 and Referred to Committee on Agriculture and Natural Resources

http://www.scstatehouse.net/cgi-bin/web_bh10.exe

Texas

HB 129 would regulate the sale and distribution of mercury-containing products, including a ban on the sale of mercury fever thermometers unless by prescription. Would also prohibit the purchase of elemental and laboratory mercury-containing products in schools. Would establish a public education program on mercury and require manufacturers to report to the state regarding mercury-containing products. Introduced on February 3, 2003 and referred to Public Health.

<http://www.capitol.state.tx.us/tlo/billsrch/textsrch.htm>

HB 963 Introduced on February 13, 2003 and builds upon HB 129 prohibiting the sale of novelties with mercury and adding an extensive enforcement section. Referred to Public Health Committee.

<http://www.capitol.state.tx.us/tlo/billsrch/textsrch.htm>

Virginia

S 1106 would ban the sale of liquid fever thermometers. Introduced January 8, 2003. Referred to Committee on Education and Health

<http://leg1.state.va.us/cgi-bin/legp504.exe?031+ful+SB1106>

Washington

HB 1002 was introduced to the Fisheries, Ecology & Parks committee and Substitute HB 1002 was recommended for adoption and sent to the Rules Committee. The substitute requires labeling of fluorescent lamps that have mercury, bans the sale of mercury-containing novelties, bans the sale of mercury-containing manometers to health care facilities, bans the sale of most mercury thermometers, prohibits the installation of mercury thermostats, bans the sale of mercury switches in automobiles, and establishes a criteria in the state purchasing program to buy non-mercury or low mercury products.

<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=1002>

<http://www.leg.wa.gov/pub/billinfo/2003-04/House/1000-1024/1002-s.pdf>

HB 1235, SB 5403 and substitute SB 5403 provide for state supplemental operating appropriations and include a provision for the Department of Ecology to develop plans for the reduction in the use of mercury

and its discharge to the environment. The House bill is in Appropriations, while the Senate substitute has passed the Senate 29-20.

HB 1273 would require informed consent prior to using mercury amalgam dental restorative material. Introduced on January 22, 2003, in Health Care. Also see SB 5066.
<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=1273>

HB 1942 is for the recovery of electronic waste, and includes provisions for the removal and recovery of mercury-containing devices as well as requiring that mercury not be used in electronic products as of January 1, 2007. Introduced February 17, 2003 and referred to Fisheries, Ecology & Parks.
<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=1942>

SB 5066 is similar to HB 1273 and would require informed consent prior to using mercury amalgam dental restorative material. Introduced on January 14, 2003; referred to Health & Long-Term Care.
<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=5066>

SB 5124 is a companion to HB 1002. Introduced on January 15, 2003. Referred to Committee on Natural Resources, Energy & Water.
<http://www.leg.wa.gov/wsladm/billinfo/dspBillSummary.cfm?billnumber=5124>

Wisconsin

AB 23 would ban the sale of most mercury thermometers, similar to legislation adopted in Minnesota and Michigan. Introduced February 5, 2003 and referred to committee on Natural Resources
<http://www.legis.state.wi.us/2003/data/AB23hst.html>

SB 10 is identical to AB 23. Introduced on January 23, 2003 and referred to committee on Environment and Natural Resources
<http://www.legis.state.wi.us/2003/data/SB10hst.html>

Compiled by John Reindl
Dane County, WI
reindl@co.dane.wi.us