
By: **Delegates Hubbard, Billings, and D'Amato**
Introduced and read first time: January 30, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Products that Contain Mercury - Labeling**

3 FOR the purpose of prohibiting manufacturers and retailers from selling, on or after
4 a certain date, certain products that contain mercury unless a certain label is
5 affixed to the product; requiring the Department of the Environment to adopt
6 certain regulations by a certain date; prohibiting a person from disposing of
7 certain products that contain mercury, on or after a certain date, unless certain
8 conditions have been met; and generally relating to the labeling of products that
9 contain mercury.

10 BY repealing and reenacting, with amendments,
11 Article - Environment
12 Section 6-905
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2001 Supplement)

15 BY adding to
16 Article - Environment
17 Section 6-905.1 and 6-905.2
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 2001 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Environment**

23 6-905.

24 (a) [In this section, "marketer"] IN THIS SECTION THE FOLLOWING WORDS
25 HAVE THE MEANINGS INDICATED.

26 [(b) Beginning October 1, 2002, a marketer may not sell or provide a fever
27 thermometer containing mercury to a consumer except by prescription.

1 (c) This section does not apply to:

2 (1) Fever thermometers sold or provided to be used in hospitals or other
3 places where medical services are provided by medical service professionals; or

4 (2) Digital thermometers using mercury-added button cell batteries.]

5 (B) "MARKETER" means a person who manufactures, assembles, sells,
6 distributes, affixes a brand name or private label to, or licenses the use of a brand
7 name on a fever thermometer containing mercury.

8 (C) (1) "MERCURY-ADDED PRODUCT" MEANS A PRODUCT OR A PRODUCT
9 WITH A COMPONENT THAT CONTAINS ELEMENTAL MERCURY OR A MERCURY
10 COMPOUND ADDED TO THE PRODUCT FOR ANY REASON.

11 (2) "MERCURY-ADDED PRODUCT" INCLUDES:

12 (I) DYES OR PIGMENTS;

13 (II) ELECTRIC SWITCHES;

14 (III) FLUORESCENT LAMPS; AND

15 (IV) THERMOSTATS.

16 6-905.1.

17 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A MARKETER
18 MAY NOT SELL OR PROVIDE A FEVER THERMOMETER CONTAINING MERCURY TO A
19 CONSUMER EXCEPT BY PRESCRIPTION.

20 (B) THIS SECTION DOES NOT APPLY TO:

21 (1) A FEVER THERMOMETER SOLD OR PROVIDED TO BE USED IN
22 HOSPITALS OR OTHER PLACES WHERE MEDICAL SERVICES ARE PROVIDED BY
23 MEDICAL SERVICE PROFESSIONALS; OR

24 (2) A DIGITAL THERMOMETER USING MERCURY-ADDED BUTTON CELL
25 BATTERIES.

26 6-905.2.

27 (A) (1) ON OR AFTER APRIL 1, 2004, UNLESS THE PRODUCT IS LABELED IN
28 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION AND THE REGULATIONS
29 ADOPTED BY THE DEPARTMENT UNDER THIS SECTION, A MANUFACTURER OR
30 WHOLESALE MAY NOT SELL A MERCURY-ADDED PRODUCT:

31 (I) AT RETAIL IN THE STATE;

32 (II) TO A RETAILER IN THE STATE; OR

1 (III) FOR USE IN THE STATE.

2 (2) ON OR AFTER APRIL 1, 2004, UNLESS THE PRODUCT IS LABELED IN
3 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION AND THE REGULATIONS
4 ADOPTED BY THE DEPARTMENT UNDER THIS SECTION, A RETAILER MAY NOT
5 KNOWINGLY SELL A MERCURY-ADDED PRODUCT IN THE STATE.

6 (B) THE LABEL OF A MERCURY-ADDED PRODUCT MUST CLEARLY INFORM
7 THE PURCHASER OR CONSUMER THAT:

8 (1) MERCURY IS PRESENT IN THE PRODUCT; AND

9 (2) THE PRODUCT MAY NOT BE DISPOSED OF OR PLACED IN A WASTE
10 STREAM DESTINED FOR DISPOSAL UNTIL THE MERCURY IS REMOVED AND REUSED,
11 RECYCLED, OR OTHERWISE MANAGED TO ENSURE THAT IT DOES NOT BECOME PART
12 OF SOLID WASTE OR WASTEWATER.

13 (C) THE MANUFACTURER OF A MERCURY-ADDED PRODUCT IS RESPONSIBLE
14 FOR AFFIXING THE LABEL REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

15 (D) ON OR AFTER OCTOBER 1, 2004, A PERSON MAY NOT DISPOSE OF A
16 MERCURY-ADDED PRODUCT IN A REFUSE DISPOSAL SYSTEM LOCATED IN THE STATE
17 UNLESS THE MERCURY HAS BEEN:

18 (1) REMOVED FROM THE PRODUCT; AND

19 (2) REUSED, RECYCLED, OR OTHERWISE MANAGED TO ENSURE THAT IT
20 DOES NOT BECOME PART OF SOLID WASTE OR WASTEWATER.

21 (E) BY OCTOBER 1, 2003, THE DEPARTMENT SHALL ADOPT REGULATIONS
22 NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING
23 ESTABLISHING STANDARDS FOR THE SIZE, LOCATION, AND TYPEFACE OF THE LABEL
24 REQUIRED BY THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2002.