

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH30266-SB-16 (03/15)

Short Title: Mercury Reduction and Education. (Public)

Sponsors: Representatives Harrison and Bordsen (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE QUANTITY OF MERCURY THAT IS RELEASED INTO THE ENVIRONMENT, THAT IMPACTS NATURAL RESOURCES, AND THAT HARMS THE PUBLIC HEALTH OF THE CITIZENS OF THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 130A of the General Statutes is amended by adding a new Part to read:

"Part 6. Mercury Reduction and Education Act of 2005.

"§ 130A-310.50. Short title.

This Part may be cited as the Mercury Reduction and Education Act of 2005.

"§ 130A-310.51. Definitions.

(a) Definitions. – As used in this Part:

(1) "Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems.

(2) "Health care facility" includes a hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, State or private health or mental institution, clinic, physician's office, or health maintenance organization.

(3) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a mercury-added product or an importer or domestic distributor of a mercury-added product produced in a foreign country. In the case of a multicomponent product containing mercury, the manufacturer is the last manufacturer to produce or assemble the product. If the multicomponent product or mercury-added product is

1 produced in a foreign country, the manufacturer is the first importer or
2 domestic distributor.

3 (4) "Mercury-added button-cell battery" means a button-cell battery to
4 which the manufacturer intentionally introduces mercury for the
5 operation of the battery.

6 (5) "Mercury-added novelty" means a mercury-added product intended
7 mainly for personal or household enjoyment or adornment.
8 Mercury-added novelties include, but are not limited to, items intended
9 for use as practical jokes, figurines, adornments, toys, games, cards,
10 ornaments, yard statues and figures, candles, jewelry, holiday
11 decorations, items of apparel, and other similar products.
12 Mercury-added novelty does not include games, toys, or products that
13 require a button-cell or lithium battery, liquid crystal display screens,
14 or a lamp that contains mercury.

15 (6) "Mercury-added product" means a product, commodity, or chemical,
16 or a product with a component that contains mercury or a mercury
17 compound intentionally added to the product, commodity, or chemical
18 in order to provide a specific characteristic, appearance, or quality, or
19 to perform a specific function, or for any other reason. Mercury-added
20 products include, but are not limited to, mercury thermometers,
21 mercury thermostats, and mercury switches in motor vehicles.

22 (7) "Mercury manometer" means a mercury-added product that is used for
23 measuring blood pressure.

24 (8) "Mercury thermometer" means a mercury-added product that is used
25 for measuring temperature.

26 (9) "Retailer" means a retailer of a mercury-added product.

27 (10) "Wholesaler" means a wholesaler of a mercury added product.

28 **"§ 130A-310.52. Purpose.**

29 The purpose of this Part is to reduce the quantity of mercury that is released into the
30 environment, that impacts natural resources, and that harms the public health of the
31 citizens of the State.

32 **"§ 130A-310.53. Scope.**

33 Nothing in this Part shall apply to any of the following:

34 (1) A crematory regulated under Article 13F of Chapter 90 of the General
35 Statutes.

36 (2) The following items regulated by the United States Food and Drug
37 Administration:

38 a. Prescription drugs regulated under the Federal Food, Drug, and
39 Cosmetic Act (21 U.S.C. § 301, et seq.).

40 b. Any substance that may be lawfully sold over the counter
41 without a prescription regulated under the Federal Food, Drug,
42 and Cosmetic Act (21 U.S.C. § 301, et seq.).

- 1 c. Medical equipment or reagents used in medical or research tests
2 regulated under the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. § 301, et seq.).
4 d. Biological products regulated under the Public Health Service
5 Act (42 U.S.C. § 262, et seq.).

6 **"§ 130A-310.54. Prohibition on sale of certain mercury-added products.**

7 (a) No person may sell, offer for sale, or distribute for sale or use in this State a
8 mercury-added novelty. A manufacturer of mercury-added novelties shall notify all
9 retailers that sell the novelties about the provisions of this subsection and how to
10 properly dispose of any remaining mercury-added inventory.

11 (b) No person may sell, offer for sale, or distribute for sale or use in this State a
12 manometer used to measure blood pressure or a thermometer that contains mercury. A
13 manufacturer of thermometers that contain mercury shall notify all retailers that sell the
14 product about the provisions of this subsection and how to properly dispose of any
15 remaining thermometer inventory. This subsection does not apply to any of the
16 following:

- 17 (1) An electric thermometer with a button-cell battery containing mercury.
18 (2) A thermometer that contains mercury and that is used for food research
19 and development or food processing, including the processing of meat,
20 dairy products, and pet food.
21 (3) A thermometer that contains mercury and that is a component of an
22 animal agriculture climate control system or an industrial measurement
23 system or for use in veterinary medicine.
24 (4) A thermometer or manometer that contains mercury that is used for
25 calibration of other thermometers, manometers, apparatus, or
26 equipment.
27 (5) A thermometer that is provided by prescription. A manufacturer of a
28 mercury thermometer shall supply clear instructions on the careful
29 handling of the thermometer to avoid breakage and proper cleanup
30 should breakage occur.
31 (6) A manometer or thermometer sold or distributed to a hospital or a
32 health care facility controlled by a hospital if the hospital has adopted
33 a plan for mercury reduction that has been approved by the
34 Department.

35 (c) No person may sell, install, or reinstall a commercial or residential thermostat
36 that contains mercury unless the manufacturer of the thermostat conducts or participates
37 in a thermostat recovery or recycling program designed to assist contractors in the
38 proper disposal of thermostats that contain mercury in accordance with 42. U.S.C. §
39 6901, et seq.

40 (d) No person may sell, offer for sale, or distribute for sale or use in this State a
41 motor vehicle of model year 2009 or later, if the motor vehicle contains an automotive
42 mercury switch.

1 (e) Nothing in this section shall restrict the ability of a manufacturer, importer, or
2 domestic distributor from transporting products through the State or storing products in
3 the State for later distribution outside of the State.

4 **"§ 130A-310.55. Fluorescent lamp labelling.**

5 (a) A manufacturer, wholesaler, or retailer shall not knowingly sell at retail a
6 fluorescent lamp if the fluorescent lamp contains mercury unless the fluorescent lamp is
7 labeled in accordance with subsection (b) of this section.

8 (b) A fluorescent lamp is considered labeled for purposes of subsection (a) of this
9 section if the lamp is labeled in compliance with the labelling requirements of another
10 state or the lamp has a label that does all of the following:

- 11 (1) Displays the internationally recognized symbol for the element
12 mercury.
- 13 (2) Informs the purchaser that mercury is present in the lamp.
- 14 (3) Explains that the lamp should be disposed of according to applicable
15 federal, State, and local laws.
- 16 (4) Provides a toll-free telephone number and a uniform resources locator
17 internet address to a Web site that contains information on applicable
18 disposal laws.

19 (c) The requirements of this section do not apply to products containing
20 mercury-added lamps.

21 **"§ 130A-310.56. Purchase of products by the Department of Administration.**

22 The Department of Administration shall give priority and preference to the purchase
23 of equipment, supplies, and other products that contain no mercury-added compounds
24 or components unless there is no economically feasible nonmercury-added alternative
25 that performs a similar function, or the product containing mercury is designed to
26 reduce electricity consumption by at least forty percent (40%) and there is no
27 nonmercury or lower-mercury alternative available that saves the same or a greater
28 amount of electricity as the exempted product. In circumstances where a
29 nonmercury-added product is not available, preference shall be given to the purchase of
30 products that contain the least amount of mercury added to the product necessary for the
31 required performance.

32 **"§ 130A-310.57. Prohibit mercury in primary and secondary education.**

33 (a) A school may not purchase bulk elemental mercury or mercury compounds
34 for use in teaching in primary or secondary schools.

35 (b) All primary and secondary schools shall remove and properly dispose of all
36 bulk elemental mercury and bulk mercury compounds used as teaching aids in science
37 classrooms, not including barometers.

38 **"§ 130A-310.58. Mercury education and information.**

39 (a) The Department shall develop educational materials and an education plan for
40 schools, local governments, businesses, and the public on the hazards caused by the
41 release of mercury into the environment and on the proper disposal methods for
42 mercury and mercury-added products.

43 (b) The Department is authorized to participate in regional or multistate
44 clearinghouses to assist in carrying out the provisions of this Part. A clearinghouse may

1 also be used to study notification and label requirements, to develop education and
2 outreach activities, and to maintain a list of all mercury-added products."

3 **SECTION 2.(a)** There is appropriated from the General Fund to the
4 Department of Environment and Natural Resources the sum of one hundred thousand
5 dollars (\$100,000) for the 2005-2006 fiscal year to implement G.S. 130A-310.58, as
6 enacted by Section 1 of this act.

7 **SECTION 2.(b)** There is appropriated from the General Fund to the
8 Department of Public Instruction the sum of two hundred thousand dollars (\$200,000)
9 for the 2005-2006 fiscal year and the sum of two hundred thousand dollars (\$200,000)
10 for the 2006-2007 fiscal year to implement G.S. 130A-310.57(b), as enacted by Section
11 1 of this act. It is the intent of the General Assembly that the appropriation made by this
12 subsection be a continuing appropriation through the 2008-2009 fiscal year. It is the
13 intent of the General Assembly that all bulk elemental mercury and bulk mercury
14 compounds be removed from all primary and secondary schools and properly disposed
15 of as provided in G.S. 130A-310.57(b) by July 1, 2009.

16 **SECTION 3.** Except as provided in this section, Section 1 of this act
17 becomes effective January 1, 2006. G.S. 130A-310.56, as enacted by Section 1 of this
18 act, becomes effective January 1, 2007. G.S. 130A-310.54, as enacted by Section 1 of
19 this act, becomes effective January 1, 2008. Section 2 of this act becomes effective July
20 1, 2005. Section 3 of this act is effective when it becomes law.