

## 2007 SENATE BILL 346

December 3, 2007 – Introduced by Senators JAUCH, MILLER, KREITLOW, COGGS, LEHMAN, RISSER, TAYLOR, WIRCH, CARPENTER, LASSA, ROBSON and SULLIVAN, cosponsored by Representatives A. OTT, SINICKI, SHERMAN, BERCEAU, POPE-ROBERTS, HINTZ, HIXSON, BLACK, ZEPNICK, GRONEMUS, PARISI, HEBL and POCAN. Referred to Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection.

1     **AN ACT** *to create* 100.275 of the statutes; **relating to:** products containing  
2           mercury and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

This bill regulates the sale of products to which mercury has been added during formulation and manufacture, including fever thermometers, manometers (instruments for measuring pressure), thermostats, instruments and measuring devices, and switches and relays.

Under the bill, fever thermometers containing mercury may be sold only upon a prescription, and must contain instructions for use and disposal. The bill prohibits the sale of manometers of the type in milking machines. Under the bill, manufacturers of such manometers must notify wholesalers and retailers of the prohibition and provide instructions for disposal of remaining inventory. The Department of Agriculture, Trade and Consumer Protection (DATCP) must establish a program for collecting such manometers in use on dairy farms. The bill also prohibits the sale of certain thermostats and other instruments and switches containing mercury.

The bill authorizes a manufacturer or user of certain mercury-added products to petition for, and the secretary of DATCP to grant, an exemption from the bill's prohibitions. The secretary may grant such an exemption only if the petitioner establishes certain facts, including that technically feasible mercury-free alternatives are not available at comparable cost.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 100.275 of the statutes is created to read:

2           **100.275 Products containing mercury. (1) DEFINITIONS.** In this section:

3           (a) “Mercury-added product” means a product to which mercury is  
4 intentionally added during formulation or manufacture, or a product containing one  
5 or more components to which mercury is intentionally added during formulation or  
6 manufacture.

7           (b) “Mercury relay” means a mercury-added product or device that opens or  
8 closes electrical contacts to effect the operation of other devices in the same or  
9 another electrical circuit. “Mercury relay” includes mercury displacement relays,  
10 mercury wetted reed relays, and mercury contact relays.

11           (c) “Mercury switch” means a mercury-added product or device that opens or  
12 closes an electrical circuit or gas valve. “Mercury switch” includes mercury float  
13 switches actuated by rising or falling liquid levels, mercury tilt switches actuated by  
14 a change in the switch position, mercury pressure switches actuated by a change in  
15 pressure, mercury temperature switches actuated by a change in temperature, and  
16 mercury flame sensors. “Mercury switch” does not include a mercury-added  
17 thermostat.

18           **(2) RESTRICTIONS ON SALE AND USE OF MERCURY.** (a) *Fever thermometers.* No  
19 person may sell or supply a mercury fever thermometer to a consumer or patient,  
20 unless the thermometer has been prescribed for the consumer or patient by a  
21 practitioner, as defined in s. 450.01 (17). A mercury fever thermometer