



2003 ASSEMBLY BILL 23

February 5, 2003 – Introduced by Representatives PLOUFF, BIES, SHILLING, J. WOOD, J. LEHMAN, HAHN, BOYLE, BLACK, MILLER, POCAN, BERCEAU and BALOW, cosponsored by Senators ROBSON, SCHULTZ, HANSEN, ROESSLER, CARPENTER and WIRCH. Referred to Committee on Natural Resources.

1 **AN ACT** *to create* 100.275 of the statutes; **relating to:** the sale or distribution
2 of mercury thermometers and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits the sale of toys that contain elemental mercury. It also prohibits the sale of certain batteries containing mercury. With certain exceptions, this bill prohibits a manufacturer, wholesaler, or retailer from selling or giving away a mercury thermometer beginning on the first day of the seventh month after the bill is enacted. Mercury thermometers that are exempt from the prohibition include those that are used for food research and development or food processing and those that are used for the calibration of other thermometers or equipment.

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

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

3 **SECTION 1.** 100.275 of the statutes is created to read:
4 **100.275 Mercury thermometers.** (1) Except as provided in sub. (2), no
5 manufacturer, wholesaler, or retailer may sell or give away a thermometer that
6 contains mercury.

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1 **(2)** Subsection (1) does not apply to any of the following:

2 (a) A mercury thermometer used for food research and development or food
3 processing, including meat, dairy product, and pet food processing.

4 (b) A mercury thermometer used for the calibration of other thermometers,
5 apparatus, or equipment, unless a calibration standard that does not use mercury
6 is approved for that calibration by the National Institute of Standards and
7 Technology.

8 (c) A mercury thermometer that is a component of an agriculture climate
9 control system or industrial measurement system if the system is in use on the
10 effective date of this paragraph [revisor inserts date].

11 (d) A mercury thermometer that is a component of an agriculture climate
12 control system or industrial measurement system if a nonmercury alternative is not
13 available as a component of the system.

14 (e) An electronic thermometer that includes a battery that contains mercury,
15 if a person is not prohibited from selling that battery or offering that battery for sale
16 under s. 100.27.

17 (f) An antique or collectible mercury thermometer manufactured before 1998
18 on which advertising is displayed.

19 **(3)** Any person who violates this section may be required to forfeit not more
20 than \$200 for each violation. Each sale or gift of a thermometer in violation of this
21 section constitutes a separate violation.

22 **SECTION 2. Effective date.**

23 (1) This act takes effect on the first day of the 7th month beginning after
24 publication.

25

(END)