

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4329/1dn  
RNK:kmg:pg

December 3, 2001

As requested, this draft is based on a Minnesota law that prohibits the sale of thermometers containing mercury. I have placed the provisions of this draft in ch. 100 of the statutes, which is administered by DATCP. Consequently, if this proposal is enacted into law, DATCP will administer and enforce the provisions of this proposal. Is this consistent with your intent?

The Minnesota law contains 4 exceptions to the general prohibition. I have included 3 of those exceptions in this bill. The 4th exception provides that a person may sell a mercury thermometer that is "a component of an animal agriculture climate control system or industrial measurement system." I did not include this exception because I'm not sure what this language means. You may wish to discuss this exception with the appropriate person at DATCP for an explanation of these terms. If you determine that this exception should be included, please let me know and I will redraft accordingly.

Because no specific penalty is prescribed under the provisions of this draft, the general penalty provisions of s. 100.26, stats., will apply to a violation of the prohibition created in this draft. Those penalty provisions provide that a person who violates the prohibition shall be fined an amount not to exceed \$200 or imprisoned in the county jail for not more than 6 months or both. Is this penalty OK?

If you have any other questions concerning this draft, please feel free to contact me.

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