

2001 DRAFTING REQUEST

Bill

Received: 11/28/2001

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Joe Plouff (608) 266-7683**

By/Representing: **Holly**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Sales of mercury thermometers

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rkite 11/30/2001	gilfokm 11/30/2001	pgreensl 12/03/2001	_____	lrb_docadmin 12/03/2001		
/2	rkite 01/04/2002	gilfokm 01/04/2002	pgreensl 01/08/2002	_____	lrb_docadmin 01/08/2002	lrb_docadmin 02/01/2002	

FE Sent For

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<END>

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/1	rkite 11/30/2001	gilfokm 11/30/2001	pgreensl 12/03/2001	1/8	lrb_docadmin 12/03/2001		
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FE Sent For:

12-1/4-02
KMG

Y8
P8

PG/KJF
<END>

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1?	rkite	11/30 ⁻¹ King	12/13 pag	12/13 P81B			
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FE Sent For:

<END>

Joe Plouff



State Representative
29th Assembly District

In response to your recent request.

I thought you might be interested in the enclosed material.

Other Rep Plouff would like to have similar legislation drafted.

Please call if you have questions

P.O. Box 8953 • Madison • WI • 53708 • (608) 266-7683

Legislative Hotline: toll-free message service 1-800-362-9472

E-mail Address: Rep.Plouff@legis.state.wi.us

Holly 6-7056



Minnesota House of Representatives

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KEY: ~~stricken~~ = old language to be removed
underscored = new language to be added

NOTE: If you cannot see any difference in the key above, you **need** to change the display of stricken and/or underscored language.

Authors and Status ■ List versions

H.F No. 274, 2nd Engrossment: 82nd Legislative Session (2001-2002) Posted on Mar 20, 2001

- 1.1 A bill for an act
- 1.2 relating to the environment; restricting the sale of
- 1.3 mercury thermometers; amending Minnesota Statutes
- 1.4 2000, section 116.92, subdivision 6.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2000, section 116.92,
- 1.7 subdivision 6, is amended to read:
- 1.8 Subd. 6. [MERCURY THERMOMETERS PROHIBITED.] (a) A ~~medical~~
- 1.9 facility may not routinely distribute thermometers manufacturer,
- 1.10 wholesaler, or retailer may not sell or distribute at no cost a
- 1.11 thermometer containing mercury that was manufactured after ~~June~~
- 1.12 ~~1, 2001~~
- 1.13 (b) Paragraph (a) does not apply to:
- 1.14 (1) an electronic thermometer with a battery containing
- 1.15 mercury if the battery is in compliance with section 325E.125;
- 1.16 (2) a mercury thermometer used for food research and
- 1.17 development or food processing, including meat, dairy products,
- 1.18 and pet food processing;
- 1.19 (3) a mercury thermometer that is a component of an animal
- 1.20 agriculture climate control system or industrial measurement
- 1.21 system until such time as the system is replaced or a nonmercury
- 1.22 component for the system is available; or
- 1.23 (4) a mercury thermometer used for calibration of other
- 1.24 thermometers, apparatus, or equipment, unless a nonmercury
- 1.25 calibration standard is approved for the application by the
- 2.1 National Institute of Standards and Technology.
- 2.2 Sec. 2. [EFFECTIVE DATE.]
- 2.3 Section 1 is effective January 1, 2002.

*6 months after
enactment*



State of Wisconsin
2001 - 2002 LEGISLATURE

Rm run
/1
LRB-4329/ML
RNK: j...
Kmg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-NOTE

Sen. Cat.

1 AN ACT ...; relating to: the sale or distribution of mercury thermometers.

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 ~~the~~ a manufacturer, wholesaler, or retailer from selling a mercury thermometer beginning on the first day of the 13th month after the bill is enacted. The exceptions to the prohibition authorize the sale of mercury thermometers used for food research and development or food processing, mercury thermometers used for the calibration of other thermometers or equipment, or thermometers with batteries containing mercury, if the sale of those batteries is not otherwise prohibited under current law.

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

2 SECTION 1. 100.275 of the statutes is created to read:
3 100.275 Mercury thermometers. (1) Except as provided in sub. (2), no
4 manufacturer, wholesaler, or retailer may sell or give away a thermometer that
5 contains mercury and that was manufactured after the first day of the 7th month
6 beginning after the effective date of this subsection [revisor inserts date].

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) An electronic thermometer that includes a battery that contains mercury,
9 if a person is not prohibited from selling that battery or offering that battery for sale
10 under s. 100.27.

11 **SECTION 2. Effective date.**

12 (1) This act takes effect on the first day of the 13th month beginning after
13 publication.

14 **(END)**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4329/~~11 dn~~
RNK:.....
kmg

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} ~~fourth~~ 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 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.

for

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

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.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Redraft instructions

- 4329

Per Holly -

wants only \$ 200 fine (no imprisonment)
re: 4th exception - will get back to me

Per Holly - 1-4-02

wants forfeiture, not fine



State of Wisconsin
2001 - 2002 LEGISLATURE

12
LRB-4329/8

RNK:kmg:pg

D-Note

2001 BILL

Gen. Cat.

certain mercury thermometers that are components of agriculture climate control systems or industrial measurement systems

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

2th
Analysis by the Legislative Reference Bureau *electronic*

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 a mercury thermometer beginning on the first day of the ~~10th~~ ^{2th} month after the bill is enacted. The exceptions to the prohibition authorize the sale of mercury thermometers used for food research and development or food processing, mercury thermometers used for the calibration of other thermometers or equipment, or thermometers with batteries containing mercury, if the sale of those batteries is not otherwise prohibited under current law. *→ fe-S/L*

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

BILL

1 contains mercury ~~and that was manufactured after the first day of the 7th month~~
2 ~~beginning after the effective date of this subsection ... [reviser inserts date].~~

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

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

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

insert 9
2-9 10 →

(e)

9 ~~(c)~~ (e) An electronic thermometer that includes a battery that contains mercury,
10 if a person is not prohibited from selling that battery or offering that battery for sale
11 under s. 100.27.

Insert
2-12-13 →

SECTION 2. Effective date.

12 (1) This act takes effect on the first day of the ~~13th~~^{7th} month beginning after
13 publication.

14
15
16 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4329/2ins.
RNK:.....

INSERT 2-9 ✓

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

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

INSERT 2-12 ✓

(3) Any person who violates this section may be required to forfeit not more than \$200 for each violation. Each ~~act of selling~~ ^{sale} or ~~giving away~~ ^{gift of} a thermometer in violation of this section constitutes a separate violation.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4329/2dn

RNK:j:....

mg

Please review this redraft closely to ensure that it is consistent with your intent. You will note that the draft contains exceptions for certain agriculture climate control systems and for certain industrial measurement systems. The draft does not define those terms. You may wish to consider including definitions to ensure that these exceptions are sufficiently specific.

or gives away

The draft also provides that a person who sells a mercury thermometer in violation of the prohibition created under the draft is subject to a forfeiture ~~of an amount~~ not exceeding \$200. The draft specifies that each sale of such a thermometer constitutes a separate violation. Is this consistent with your intent?

or gift

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

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

with Rep. Plouff

→ Also, consistent with ^{my} ~~my~~ telephone conversation, have clarified in the draft that the prohibition ~~applies~~ applies to sales made ~~on the~~ beginning on the first day of the 1st month beginning after publication.

mg

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4329/2dn
RNK:kmg:pg

January 8, 2002

Please review this redraft closely to ensure that it is consistent with your intent. You will note that the draft contains exceptions for certain agriculture climate control systems and for certain industrial measurement systems. The draft does not define those terms. You may wish to consider including definitions to ensure that these exceptions are sufficiently specific.

The draft also provides that a person who sells or gives away a mercury thermometer in violation of the prohibition created under the draft is subject to a forfeiture not exceeding \$200. The draft specifies that each sale or gift of such a thermometer constitutes a separate violation. Is this consistent with your intent?

Also, consistent with my telephone conversation with Rep. Plouff, I have clarified in the draft that the prohibition applies to sales made beginning on the first day of the 7th month beginning after publication.

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

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Jacket LRB-4329
Blowoff

for
Assm

Per
RNK

