

2001 DRAFTING REQUEST

Bill

Received: 01/16/2002

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Kathy**

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:

Prohibiting the sale of mercury thermometers

Instructions:

Same as 2001 LRB-4329/2

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>
/?	rkite 01/16/2002	gilfokm 01/16/2002		_____			S&L
/1			jfrantze 01/16/2002	_____	lrb_docadmin 01/16/2002	lrb_docadmin 02/08/2002	

FE Sent For: *at intro 2/13/02*

<END>

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1?	rkite	1/1-1/16 Kmg	201/16	Self 1/16			

FE Sent For:

<END>

RM not run
4712/1
LRB-4329/2
RNK/kmg/pg
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2001 BILL

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 7th 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, certain mercury thermometers that are components of agriculture climate control systems or industrial measurement systems, or electronic thermometers with batteries containing mercury, if the sale of those batteries is not otherwise prohibited under current law.

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:

BILL

1 **100.275 Mercury thermometers.** (1) Except as provided in sub. (2), no
2 manufacturer, wholesaler, or retailer may sell or give away a thermometer that
3 contains mercury.

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

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

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

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

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

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

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

23 **SECTION 2. Effective date.**



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 16, 2002

MEMORANDUM

To: Senator Robson

From: Robin N. Kite, Legislative Attorney

Re: LRB-4712/1 Prohibiting the sale of mercury thermometers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

____ JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7291 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.