



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2009 Assembly Bill 299

**Assembly Substitute
Amendment 1 and Assembly
Amendment 1 to Assembly
Substitute Amendment 1**

Memo published: September 17, 2009

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2009 Assembly Bill 299 regulates the sale of products to which mercury has been added during formulation and manufacture (mercury-added products), including fever thermometers, manometers (instruments for measuring pressure), thermostats, instruments and measuring devices, switches and relays, and household items. The bill also prohibits schools from knowingly purchasing or using elemental mercury or certain devices containing mercury.

Assembly Substitute Amendment 1

Among other things, the *bill* generally prohibits the sale of certain mercury-added products. Under the bill, a user or manufacturer of one of these products may apply to the Department of Natural Resources (DNR) for an exemption from the bill's prohibitions. The bill places all of these provisions in ch. 100, Stats., which is entitled MARKETING; TRADE PRACTICES and is generally administered by the Department of Agriculture, Trade and Consumer Protection (DATCP).

Assembly Substitute Amendment (ASA) 1 moves the provisions described above from ch. 100, Stats., to ch. 299, Stats., entitled ENVIRONMENTAL PROVISIONS, which is generally administered by DNR.

Assembly Amendment 1 to ASA 1

The *bill* and *ASA 1* generally prohibit the sale of mercury-added thermostats. *Assembly Amendment (AA) 1 to ASA 1* specifies that "mercury-added thermostat" does not include a thermostat used in the generating, transmission, or distributing facilities for electric energy, gas, or water.

The *bill* and *ASA 1* generally prohibit the sale of mercury switches and mercury relays. *AA 1 to ASA 1* specifies that the prohibition does not apply to a switch or relay that is used to replace a switch or

relay that is a component in a larger product in use prior to the effective date of the bill if the larger product is used in the generating, transmission, or distributing facilities for electric energy, gas, or water.

Legislative History

On September 2, 2009, the Assembly Committee on Natural Resources recommended adoption of Assembly Amendment 1 to Assembly Substitute Amendment 1, adoption of Assembly Substitute Amendment 1 as amended, and passage of the bill, as amended, on successive votes of Ayes, 14; Noes, 0.

REL:jal