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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 527      Session of  
2005

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INTRODUCED BY C. WILLIAMS, O'PAKE AND MUSTO, MARCH 29, 2005

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REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 29, 2005

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AN ACT

1 Prohibiting the sale of mercury thermometers; and providing for  
2 related penalties.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Mercury  
7 Thermometer Act.

8 Section 2. Legislative findings.

9 The General Assembly finds and declares as follows:

10 (1) Mercury can be characterized as a neurological and  
11 reproductive toxin that can lead to lowered IQ, as well as  
12 neurological and reproductive problems.

13 (2) Young children, newborns and fetuses are the most at  
14 risk for contamination because their nervous systems are not  
15 fully developed.

16 (3) Mercury can evaporate into air, which poses risks to  
17 consumers when they do not know how to properly clean up a  
18 broken thermometer.

1           (4) Mercury is emitted in the health care setting  
2           through the spillage, breakage or improper disposal of  
3           mercury-containing products.

4           (5) The Environmental Protection Agency and the American  
5           Hospital Association have joined together to phase out  
6           mercury use in health care by 2006.

7 Section 3. Definitions.

8           The following words and phrases when used in this act shall  
9           have the meanings given to them in this section unless the  
10          context clearly indicates otherwise:

11          "Department." The Department of Health of the Commonwealth.

12          "Mercury thermometer." A device used for measuring human or  
13          animal body temperature that contains mercury or a mercury  
14          compound.

15 Section 4. Prohibition on sale of mercury thermometers.

16          No person shall sell, offer for sale or distribute at no cost  
17          a thermometer containing mercury.

18 Section 5. Penalties.

19          The department may levy an administrative fine on a person  
20          who violates this act. A person will be fined \$100 for each  
21          violation. A person who receives a fine shall have the right to  
22          an adjudication pursuant to 2 Pa.C.S. Ch. 5 Subch. A (relating  
23          to practice and procedure of Commonwealth agencies) with appeal  
24          to the Commonwealth Court pursuant to 2 Pa.C.S. Ch. 7 (relating  
25          to judicial review).

26 Section 6. Effective date.

27          This act shall take effect in 180 days.