S T A T E O F N E W Y O R K

777

2009-2010 Regular Sessions

I N S E N A T E

January 15, 2009

Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to prohibiting the use, purchase and storage of elemental mercury by schools; and to amend the public health law, in relation to directing the commissioner of health to compile and distribute materials for schools on the hazards of elemental mercury and actions which may be taken to reduce such hazards

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 409-j to read as follows:

S 409-J. ELIMINATION OF THE USE OF ELEMENTAL MERCURY. 1. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION TWO OF THIS SECTION, NO PUBLIC OR PRIVATE SCHOOL OR EDUCATIONAL INSTITUTION IN THIS STATE SHALL PURCHASE, USE OR STORE ANY QUANTITY OF FREE FLOWING ELEMENTAL MERCURY FOR ANY PURPOSE, NOR PURCHASE, USE OR STORE ANY INSTRUMENT WHICH CONTAINS MERCURY INCLUDING, BUT NOT LIMITED TO, THERMOMETERS, BAROMETERS, SPHYGMOMANOMETERS AND MANOMETERS.

2. IF NO REASONABLY ACCEPTABLE, MERCURY-FREE ALTERNATIVE EXISTS FOR ANY INSTRUMENT PROHIBITED BY SUBDIVISION ONE OF THIS SECTION, A SCHOOL OR EDUCATIONAL INSTITUTION MAY USE SUCH TYPE OF INSTRUMENT WHICH CONTAINS THE LOWEST MERCURY CONTENT READILY AVAILABLE ON THE MARKET.

3. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, SHALL PROMULGATE RULES AND REGULATIONS REQUIRING PUBLIC AND PRIVATE SCHOOLS AND EDUCATIONAL INSTITUTIONS IN THIS STATE TO DISPOSE OF OR RECYCLE ANY QUANTITY OF ELEMENTAL MERCURY AND INSTRUMENTS CONTAINING MERCURY IN A MANNER WHICH IS LEAST HARMFUL TO THE ENVIRONMENT.

S 2. Section 206 of the public health law is amended by adding a new subdivision 26 to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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26. THE COMMISSIONER SHALL COMPILE, PRODUCE AND DISTRIBUTE TO ALL PUBLIC AND PRIVATE SCHOOLS AND EDUCATIONAL SCHOOLS IN THIS STATE, MATERIALS EXPLAINING THE HAZARDS CREATED BY ELEMENTAL MERCURY AND ACTIONS THAT MAY BE TAKEN TO REDUCE SUCH HAZARDS.

S 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of July next succeeding the date on which it shall have become a law.