

1590

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

---

Introduced by M. of A. ENGLEBRIGHT, COLTON -- Multi-Sponsored by -- M.  
of A. GOTTFRIED -- read once and referred to the Committee on Educa-  
tion

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The education law is amended by adding a new section 409-j  
2     to read as follows:  
3     S 409-J. ELIMINATION OF THE USE OF ELEMENTAL MERCURY. 1. EXCEPT AS  
4     OTHERWISE PROVIDED IN SUBDIVISION TWO OF THIS SECTION, NO PUBLIC OR  
5     PRIVATE SCHOOL OR EDUCATIONAL INSTITUTION IN THIS STATE SHALL PURCHASE,  
6     USE OR STORE ANY QUANTITY OF FREE FLOWING ELEMENTAL MERCURY FOR ANY  
7     PURPOSE, NOR PURCHASE, USE OR STORE ANY INSTRUMENT WHICH CONTAINS MERCU-  
8     RY INCLUDING, BUT NOT LIMITED TO, THERMOMETERS, BAROMETERS, SPHYGMOMA-  
9     NOMETERS AND MANOMETERS.  
10    2. IF NO REASONABLY ACCEPTABLE, MERCURY-FREE ALTERNATIVE EXISTS FOR  
11    ANY INSTRUMENT PROHIBITED BY SUBDIVISION ONE OF THIS SECTION, A SCHOOL  
12    OR EDUCATIONAL INSTITUTION MAY USE SUCH TYPE OF INSTRUMENT WHICH  
13    CONTAINS THE LOWEST MERCURY CONTENT READILY AVAILABLE ON THE MARKET.  
14    3. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF ENVIRON-  
15    MENTAL CONSERVATION, SHALL PROMULGATE RULES AND REGULATIONS REQUIRING  
16    PUBLIC AND PRIVATE SCHOOLS AND EDUCATIONAL INSTITUTIONS IN THIS STATE TO  
17    DISPOSE OF OR RECYCLE ANY QUANTITY OF ELEMENTAL MERCURY AND INSTRUMENTS  
18    CONTAINING MERCURY IN A MANNER WHICH IS LEAST HARMFUL TO THE ENVIRON-  
19    MENT.

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

LBD03466-01-9

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

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

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