

LBD10089-01-1

1 MOMETER IS ABOUT SEVEN-TENTHS GRAMS, OR JUST UNDER ONE GRAM, AMOUNTS
2 SUFFICIENT TO OVEREXPOSE PEOPLE TO THIS DEADLY TOXIN. THIS TOXIN IS
3 ESPECIALLY DANGEROUS TO CHILDREN AND PREGNANT WOMEN, BECAUSE EVEN SMALL
4 AMOUNTS OF MERCURY CAN CAUSE SERIOUS DEVELOPMENTAL PROBLEMS.

5 ADDITIONALLY, MERCURY, A BIOACCUMULATIVE TOXIC COMPOUND RECOGNIZED AS
6 A GLOBAL POLLUTANT, ACCUMULATES IN THE FOOD CHAIN, SO THAT A VERY SMALL
7 AMOUNT OF MERCURY IN A LAKE CAN LEAD TO DANGEROUS LEVELS OF MERCURY IN
8 FISH. JUST ONE GRAM OF MERCURY, THE AMOUNT FOUND IN ONE MERCURY THERMOM-
9 ETHER, IS ENOUGH TO CONTAMINATE ALL OF THE FISH IN A LAKE WITH A SURFACE
10 AREA OF TWENTY ACRES. PEOPLE WHO CONSUME LARGE AMOUNTS OF FISH ARE AT
11 RISK OF ADVERSE EFFECTS OF MERCURY ON THE NERVOUS SYSTEM. BECAUSE THE
12 DEVELOPING NERVOUS SYSTEM IS VULNERABLE TO MERCURY TOXICITY, FETUSES
13 EXPOSED TO MERCURY THROUGH THEIR MOTHER'S CONSUMPTION OF FISH ARE
14 PARTICULARLY AT RISK OF ADVERSE EFFECTS.

15 GIVEN THE SERIOUS DANGER POSED BY MERCURY GAUGES OR MANOMETERS AND
16 MERCURY FEVER THERMOMETERS TO STATE RESIDENTS, THEIR PROPERTY, AND TO
17 THE ENVIRONMENT, THIS TITLE BANS THE USE BY ANY PERSON OF MERCURY GAUGES
18 OR MANOMETERS FOR THE TESTING OF GAS PRESSURE AND FURTHER BANS THE SALE
19 BY ANY PERSON OF MERCURY FEVER THERMOMETERS.

20 S 37-0403. DEFINITIONS.

21 FOR PURPOSES OF THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-
22 ING MEANINGS:

23 1. "MANOMETER" OR "MERCURY GAUGE" MEANS AN INSTRUMENT CONTAINING
24 MERCURY AND USED TO MEASURE THE PRESSURE OF GAS.

25 2. "MERCURY FEVER THERMOMETER" MEANS A MERCURY-CONTAINING PRODUCT
26 ENCASED IN GLASS THAT IS USED TO MEASURE HUMAN OR ANIMAL BODY TEMPER-
27 ATURE.

28 3. "PERSON" SHALL MEAN ANY NATURAL PERSON, CORPORATION, UNINCORPORATED
29 ASSOCIATION, FIRM, PARTNERSHIP, JOINT VENTURE, JOINT STOCK ASSOCIATION,
30 OR OTHER ENTITY OR BUSINESS ORGANIZATION OF ANY KIND, INCLUDING ANY
31 MASTER PLUMBER OR JOURNEY LEVEL PLUMBER LICENSED OR CERTIFIED TO ENGAGE
32 IN THE BUSINESS OF PLUMBING PURSUANT TO ANY APPLICABLE LAW.

33 S 37-0405. BAN OF THE USE OF MERCURY GAUGES OR MANOMETERS.

34 IT SHALL BE UNLAWFUL FOR ANY PERSON TO USE A MERCURY GAUGE OR MANOME-
35 TER FOR THE MEASUREMENT OR TESTING OF GAS PRESSURE IN THIS STATE, EXCEPT
36 WHERE THE USE OF A MERCURY GAUGE OR MANOMETER IS SPECIFICALLY REQUIRED
37 BY FEDERAL LAW OR REGULATION.

38 S 37-0407. SALE OF MERCURY FEVER THERMOMETERS PROHIBITED.

39 IT SHALL BE UNLAWFUL FOR ANY PERSON IN THIS STATE TO SELL OR CAUSE TO
40 BE SOLD ANY MERCURY FEVER THERMOMETER.

41 S 37-0409. SEVERABILITY.

42 IF ANY CLAUSE, SENTENCE, PARAGRAPH, OR PART OF THIS TITLE SHALL BE
43 ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH
44 JUDGMENT SHALL NOT AFFECT, IMPAIR, OR INVALIDATE THE REMAINDER THEREOF,
45 BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARA-
46 GRAPH, SECTION, OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY AND
47 IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

48 S 2. The environmental conservation law is amended by adding a new
49 section 71-3705 to read as follows:

50 S 71-3705. ENFORCEMENT OF TITLE 4 OF ARTICLE 37.

51 ANY PERSON WHO VIOLATES THE PROVISIONS OF TITLE 4 OF ARTICLE 37 OF
52 THIS CHAPTER SHALL BE SUBJECT TO THE IMPOSITION OF A CIVIL PENALTY NOT
53 EXCEEDING ONE HUNDRED FIFTY DOLLARS FOR EACH SINGLE VIOLATION.

54 S 3. This act shall take effect one year after it shall have become a
55 law.