§ 27-2101. Definitions.

As used in this title:

1. "Hazardous waste management facility" shall have the same meaning as "commercial hazardous waste facilities" as defined in section 27-0901 of this article.

2. "Collector" means any person who accepts mercury-added consumer products in order to transfer them to a solid waste management facility, a hazardous waste management facility or another collector.

3. "Consumer" means any person who purchases a mercury-added consumer product for use other than resale.

4. "Dispose" or "disposal" means the abandonment, discharge, deposit, injection, dumping, spilling, leaking or placing of any substance so that such substance or any related constituent thereof may enter the environment. Disposal also means the thermal destruction of waste or hazardous waste and the burning of such wastes as fuel for the purpose of recovering useable energy.

5. "Distributor" means any person who sells mercury-added consumer products to a retailer in this state, including any manufacturer who sells to retailers in the state.

6. "Manufacturer" means any person who manufactures mercury-added consumer products.

7. "Mercury-added consumer product" means any device or material into which elemental mercury or mercury compounds are intentionally added during such device's or material's formulation or manufacture, and in which the continued presence of mercury is required to provide a specific characteristic, appearance or quality, or to perform a specific function. Such term shall include, but not be limited to mercury-containing:

(a) thermostats;

(b) thermometers;
(c) switches, whether individually or as part of another product;
(d) medical or scientific instruments;
(e) electrical relays and other electrical devices;
(f) lamps; and
(g) batteries sold to consumers, not including button batteries.

8. "Mercury-added novelty consumer product" means a mercury-added consumer product intended mainly for personal or household enjoyment or adornment. Mercury-added novelty consumer products include, but are not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, items of apparel (including footwear), or similar products. A product is not a mercury-added novelty consumer product solely on the basis that it is a game with a light screen display containing mercury, or includes a removable battery containing mercury.

9. "Mercury fever thermometer" or "mercury body thermometer" means a mercury-added consumer product that is used for measuring body temperature. A product is not a "mercury fever thermometer" or "mercury body thermometer" solely on the basis that it includes a removable battery containing mercury.

10. "Solid waste" means solid waste as defined in section 27-0701 of this article.

11. "Retailer" means any person in this state who sells new mercury-added consumer products to consumers for purposes other than resale.

12. "Solid waste management facility" means a solid waste management facility as defined in section 27-0701 of this article.

13. "Elemental mercury" means the material represented by the chemical symbol Hg. Elemental Hg is a silvery-white liquid (at room temperature) with an atomic number of 80 and an atomic mass of 200.59.

14. "Mercury barometer" means a mercury-added consumer product used for measuring atmospheric pressure.

15. "Mercury esophageal dilator" or "mercury bougie tube" means a mercury-added consumer product in the form of a long, flexible tube that is passed down a patient's esophagus to dilate a narrowed area.

16. "Mercury flow meter" means a mercury-added consumer product used for measuring the flow or quantity of a moving fluid or gas.

17. "Mercury hydrometer" means a mercury-added consumer product used for measuring the specific gravity of a liquid.

18. "Mercury hygrometer" or "mercury psychrometer" means a mercury-added consumer product used for measuring the water vapor content of air.

19. "Mercury gastrointestinal tube" means a mercury-added consumer product in the form of a tube used for addressing intestinal obstructions.

20. "Mercury manometer" means a mercury-added consumer product used for measuring the pressure of liquids and gases.

21. "Mercury pyrometer" means a mercury-added consumer product used for measuring the temperature of extremely hot materials.

22. "Mercury sphygmomanometer" means a mercury-added consumer product used for measuring blood pressure in the arteries.

23. "Mercury thermometer" means a mercury-added consumer product used for measuring temperature.

24. "Mercury thermostat" means a mercury-added consumer product that uses a mercury switch to sense and control room temperature through communication with heating, ventilating or air conditioning equipment.

Such term includes thermostats used to sense and control room temperature in residential, commercial, industrial and other buildings, but does not include a thermostat used to control temperature as part of a manufacturing process.

25. "Mercury relay" means a mercury-added consumer product or device that opens or closes electrical contacts to affect the operation of other devices in the same or another electrical circuit. Such term includes mercury displacement relays and mercury contact relays but shall not include mercury wetted reed relays.

26. "Mercury switch" means a mercury-added consumer product or device that opens or closes an electrical circuit or gas valve. Such term includes mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, and mercury temperature switches actuated by a change in temperature but shall not include mercury flame sensors. Mercury switch does not include a mercury thermostat.

27. "Household" means a single or multiple family residence.

28. "Manufacturer" means any person, firm, association, partnership, limited liability company, corporation, governmental entity, organization, combination or joint venture which is the last entity to produce or assemble a new motor vehicle that utilizes mercury-added components or, in the case of an imported motor vehicle, the importer or domestic distributor of such vehicle.

29. "Mercury-added component" means a motor vehicle component that contains greater than fifteen milligrams of mercury, which was intentionally added to such vehicle in order to provide a specific characteristic, appearance or quality, to perform a specific function, or for any other purpose. Such components shall include, but not be limited to, switches, sensors, lights and navigational systems.

30. "Mercury-added lamp" means an electric lamp to which mercury or

mercury compounds are intentionally added during the manufacturing process, including, but not limited to, compact fluorescent lamps, fluorescent lamps and tubular fluorescent lamps with normal or long lifetime.

31. "Producer of mercury-added lamps" means any person who:

(a) manufactures and sells mercury-added lamps under its own brand;

(b) resells under its own brand equipment produced by other suppliers, a reseller not being regarded as the producer of mercury-added lamps if the brand of the producer of mercury-added lamps appears on the equipment, as provided for in paragraph (a) of this subdivision; or

(c) serves as the importer or domestic distributor of a mercury-added lamp if the brand name owner is located outside of the United States.

32. "General purpose lights" means lamps, bulbs, tubes, or other electric devices that provide functional illumination for indoor residential, indoor commercial, and outdoor use. General purpose lights shall not include special purpose lights.

33. "Special purpose lights" means the following specialty lighting: appliance, black light, germicidal, colored, plant light, reflector, reprographic, shatter-resistant, cold temperature, sign service, and preheat.

34. "Long lifetime" means more than twenty-four thousand hours when tested on a T8 instant start ballast, a T12 rapid start ballast, or a T5 programmed start ballast, and turned on and off every three hours ("three hour starts").