§ 27-2103. Labeling.

1. Mercury-added consumer products sold or offered for sale in this state by a distributor or retailer shall be labeled by the manufacturer thereof in accordance with the provisions of this section.

2. Unless alternative labeling is approved by the commissioner pursuant to subdivision four of this section, the labeling of mercury-added consumer products shall:

(a) clearly and conspicuously inform the consumer that mercury is present in such product and that such product shall not be disposed of or placed in a waste stream destined for disposal in mixed municipal solid waste until the mercury is removed and reused, recycled or otherwise managed to ensure that the mercury does not become part of solid waste or contaminate wastewater;

(b) be conspicuous to the consumer prior to the purchase, and during the installation and removal of such product;

(c) be affixed to the product and be composed of a material sufficiently durable to remain legible and so affixed for the useful life of the product; and

(d) be printed and affixed to the product by the manufacturer thereof.

3. Automobile manufacturers shall be deemed to meet the labeling requirements of this section, with respect to either original equipment or service parts, if new automobiles bear a label on the doorpost that lists the mercury-added components that may be present in such vehicle. Such label shall, to the largest extent possible, be consistent with labeling provisions of other states. An automobile manufacturer may apply to the commissioner for approval of an alternative to the labeling requirement that would be at least as effective in providing presale notification of mercury content.

4. (a) The commissioner may promulgate rules and/or regulations specifying labeling requirements, provided, however, that any such rules and/or regulations shall allow for the use of labels adopted by other states that meet the requirements of subdivision two of this section.

(b) The commissioner shall promulgate rules and/or regulations to

authorize alternative labeling, including package labeling, for mercury-added consumer products as defined in this title under the following conditions:

(i) a manufacturer must submit a written request for alternative labeling documenting that a product or class of products cannot reasonably be labeled to comply with specific requirements of this title; and

(ii) all authorizations for alternative labeling granted under this subdivision shall be valid for four years and may be renewed.