§ 37-0207. Exemptions.

All packaging and packaging components shall be subject to this title except the following:

1. Those packages or packaging components which have been delivered to a distributor or manufacturer prior to January 1, 1992; or those packages or packaging components with a code indicating date of manufacture that were manufactured prior to January 1, 1992; or

2. Those packages or packaging components to which lead, cadmium, mercury or hexavalent chromium have been added in the manufacturing, forming, printing or distribution process in order to comply with health or safety requirements of federal law or for which there is no practicable alternative, as determined by the commissioner, provided that the manufacturer of a package or packaging component must petition the department for any exemption from the provisions of this title for a particular package or packaging component based on either criterion; provided further that the department may grant a two year exemption if warranted by the circumstances; and provided further that such an exemption may upon meeting either criterion of this subdivision be renewed for two years; or

3. Packages and packaging components that exceed the maximum levels set forth in subdivision three of section 37-0205 of this title only because of the addition of post-consumer materials, provided that the exemption for this subdivision shall expire on January 1, 1996.

4. Until January first, nineteen hundred ninety-four, any glass container that is intended for reuse or refilling that uses pigments in or on the container that exceed the maximum levels set forth in subdivision three of section 37-0205 of this title.