

SENATE BILL NO. 615

BY SENATORS FONTENOT, BAJOIE, HINES, MOUNT AND NEVERS AND REPRESENTATIVES ALARIO, DEWITT, DORSEY, HAMMETT, JEFFERSON, RICHMOND, RITCHIE AND SALTER

1 AN ACT

2 To enact Chapter 23 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950,  
3 consisting of R.S. 30:2571 through 2588, relative to environmental quality; to create  
4 and provide relative to the Mercury Risk Reduction Act; to authorize the secretary  
5 of the Department of Environmental Quality to promulgate rules and regulations to  
6 carry out the provisions of this Chapter; to provide for definitions; to provide for  
7 manufacturer notifications; to provide relative to public disclosure of confidential  
8 business information; to provide relative to restrictions on the sale of certain  
9 mercury-added products; to provide for exemptions and phase outs; to provide  
10 relative to labeling of mercury-added products; to provide relative to public  
11 notification; to provide relative to the collection of mercury-added products; to  
12 provide relative to disclosure for mercury containing formulated products; to provide  
13 relative to the use of elemental mercury; to provide relative to existing inventories  
14 of mercury-added products; to authorize the Department of Environmental Quality  
15 to implement a public education and outreach program; to provide relative to state  
16 procurement preferences for low or non-mercury-added products; to provide relative  
17 to mercury containing devices in water and wastewater systems; to provide for  
18 penalties; and to provide for related matters.

19 Be it enacted by the Legislature of Louisiana:

20 Section 1. Chapter 23 of Subtitle II of Title 30 of the Louisiana Revised Statutes of  
21 1950, consisting of R.S. 30:2571 through 2588, is hereby enacted to read as follows:

22 **CHAPTER 23. LOUISIANA MERCURY RISK REDUCTION ACT**

23 **§2571. Citation**

24 **This Chapter shall be known and may be cited as the "Louisiana**

1           Mercury Risk Reduction Act."

2           §2572. Legislative declaration; control of mercury releases

3                   A. The legislature finds and declares that the control of mercury releases  
4                   to the environment is essential for the reduction of human health risks. Mercury  
5                   in the environment represents a persistent and growing problem for the citizens  
6                   of the state. Mercury is a persistent and toxic pollutant that bioaccumulates in  
7                   the environment. Mercury contamination in fish is resulting in increasing  
8                   issuance of fish consumption advisories to abate a significant public health  
9                   threat. Studies across the nation have documented that exposure to the elevated  
10                   levels of mercury in the environment has resulted in harm to fish-consuming  
11                   wildlife. There are many sources of mercury in the environment, many of which  
12                   have existing regulatory means for control. However, landfilling of municipal  
13                   and other solid waste with mercury-containing products, devices and substances  
14                   is a largely uncontrolled source of mercury to the environment. Removal of  
15                   mercury-containing products from the waste stream is an effective way to  
16                   reduce mercury.

17                   B. Accidental mercury spills, breakages, and releases have occurred  
18                   throughout Louisiana and the nation, resulting in costly cleanups and mercury  
19                   exposures to humans, and often children, who represent one of the most  
20                   sensitive portions of the population. Nationally, health care facilities,  
21                   educational and research institutions, and businesses have also experienced  
22                   significant employee exposures and incurred significant costs due to accidental  
23                   mercury releases.

24                   C. The intent of this Act is to achieve significant reductions in  
25                   environmental mercury by encouraging the establishment of effective state and  
26                   local waste reduction, recycling, and management programs while encouraging  
27                   non-mercury alternatives.

28                   D. The secretary of the Louisiana Department of Environmental Quality  
29                   is hereby authorized to implement, by rules enacted pursuant to the Louisiana  
30                   Administrative Procedure Act, any and all regulations necessary to carry out

1 the provisions in this Chapter. The secretary may apply for grants, accept  
2 donations, or seek appropriations from the state general fund to carry out the  
3 provisions in this Chapter. The department shall not use existing fees collected  
4 for another purpose to carry out the provisions of this Chapter.

5 **§2573. Definitions**

6 **A. As used in this Chapter, unless the context clearly indicates otherwise,**  
7 **the term:**

8 **(1) "Health care facility" means any hospital, nursing home, extended**  
9 **care facility, long-term care facility, clinical or medical laboratory, state or**  
10 **private health or mental institution, clinic, physician's office, or health**  
11 **maintenance organization.**

12 **(2) "Formulated mercury-added product" means a chemical product,**  
13 **including but not limited to laboratory chemicals, cleaning products, cosmetics,**  
14 **pharmaceuticals, and coating materials, that are sold as a consistent mixture of**  
15 **chemicals.**

16 **(3) "Fabricated mercury-added product" means a product that consists**  
17 **of a combination of individual components that combine to make a single unit,**  
18 **including but not limited to mercury-added measuring devices, lamps, and**  
19 **switches.**

20 **(4) "Mercury-added product" means a product, commodity, chemical,**  
21 **or a product with a component that contains mercury or a mercury compound**  
22 **intentionally added to the product, commodity, chemical, or component in order**  
23 **to provide a specific characteristic, appearance, or quality or to perform a**  
24 **specific function or for any other reason. These products include formulated**  
25 **mercury-added products and fabricated mercury-added products.**

26 **(5) "Mercury fever thermometer" means a mercury-added product that**  
27 **is used for measuring body temperature.**

28 **(6) "Mercury-added novelty" means a mercury-added product intended**  
29 **mainly for personal or household enjoyment or adornment. Mercury-added**  
30 **novelties include, but are not limited to, items intended for use as practical**

1 jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and  
2 figures, candles, jewelry, holiday decorations, items of apparel including  
3 footwear, or similar products.

4 (7) "Manufacturer" means any person, firm, association, partnership,  
5 corporation, governmental entity, organization, combination, or joint venture  
6 which produces a mercury-added product or an importer or domestic  
7 distributor of a mercury-added product produced in a foreign country. In the  
8 case of a multi-component mercury-added product, the manufacturer is the last  
9 manufacturer to produce or assemble the product. If the multi-component  
10 product is produced in a foreign country, the manufacturer is the importer or  
11 domestic distributor.

12 B. The mere presence of mercury as a contaminate does not of itself  
13 make a product a mercury-added product.

14 C. Notwithstanding any other provision of this Chapter, dental amalgam,  
15 amalgam dispose caps, capsulated dental amalgam, or elemental mercury  
16 intended to be used for dental amalgam is not included in the definition of  
17 mercury-added product when dispensed by a qualified health care provider.  
18 Manufacturers of dental amalgam, amalgam dispose caps, capsulated dental  
19 amalgam and/or components of these items, and elemental mercury intended  
20 to be used for dental amalgam are subject to this Section.

21 §2574. Notifications

22 A. Effective January 1, 2007, no mercury-added product shall be offered  
23 for final sale or use or distributed for promotional purposes in Louisiana  
24 without prior notification in writing by the manufacturer of the product to the  
25 Department of Environmental Quality in accordance with the requirements of  
26 this Section. The notification to the department shall at a minimum include:

27 (1) A brief description of the product to be offered for sale, use, or  
28 distribution.

29 (2) The amount of and purpose for mercury in each unit of the product.

30 (3) The total amount of mercury contained in all products manufactured

1 by the manufacturer.

2 (4) The name and address of the manufacturer, and the name, address  
3 and phone number of a contact at the manufacturer.

4 (5) For purposes of complying with this Section, the manufacturer may  
5 submit to the Department of Environmental Quality copies of reports sent by  
6 the manufacturer to the Interstate Mercury Education and Reduction  
7 Clearinghouse (IMERC). At a minimum, copies of the reports shall contain the  
8 information listed in Paragraphs (1) through (4) of this Subsection. Any  
9 changes in the information contained in these reports shall be reported to the  
10 Department of Environmental Quality when those changes are reported to  
11 IMERC.

12 B. Any mercury-added product for which federal law governs notice in  
13 a manner that preempts state authority shall be exempt from the requirements  
14 of this Section.

15 C. With the approval of the Department of Environmental Quality, the  
16 manufacturer may supply the information required above for a product  
17 category rather than an individual product. The manufacturer shall update and  
18 revise the information in the notification whenever there is significant change  
19 in the information or when requested by the Department of Environmental  
20 Quality. The Department of Environmental Quality may define and adopt  
21 specific regulations in accordance with Louisiana Administrative Procedure Act  
22 for the content and submission of the required notification.

23 D. Public disclosure of confidential business information submitted to  
24 the Department of Environmental Quality pursuant to this Section shall be  
25 governed by the requirements of R.S. 30:2030. Notwithstanding the  
26 requirements of R.S. 30:2030, the state may provide the Interstate Mercury  
27 Education and Reduction Clearinghouse with copies of such information and  
28 the Department of Environmental Quality and the Interstate Mercury  
29 Education and Reduction Clearinghouse may compile or publish analyses or  
30 summaries of such information provided that the analyses or summaries do not

1 identify any manufacturer or reveal any confidential information.

2 §2575. Restrictions on the sale of certain mercury-added products

3 A. On and after July 1, 2007, no mercury-added novelty shall be offered  
4 for final sale or use or distributed for promotional purposes in Louisiana.  
5 Manufacturers that produce and sell mercury-added novelties shall notify  
6 retailers about the provisions of this product ban and how to dispose of the  
7 remaining inventory properly. Novelties for which the only added mercury  
8 comes from a removable mercury-added lamp or mercury-added button cell  
9 battery are exempt from this Subsection if the manufacturer of the mercury-  
10 added lamp or mercury-added button cell battery has complied with the  
11 applicable provisions of R.S. 30:2574, 2577, 2578, 2579, and 2581.

12 B. On and after January 1, 2007, no person shall sell or supply mercury  
13 fever thermometers to consumers and patients, except by prescription. The  
14 manufacturers of mercury fever thermometers shall, in addition to providing  
15 notice of mercury content and instructions on proper disposal, supply clear  
16 instructions on the careful handling of the thermometer to avoid breakage and  
17 on proper cleanup should a breakage occur. Mercury fever thermometer  
18 manufacturers shall also comply with R.S. 30:2574, 2576, 2577, 2579, and 2581.

19 C. On and after January 1, 2007, no school in Louisiana shall use or  
20 purchase for use in a primary or secondary classroom, bulk elemental or  
21 chemical mercury or mercury compounds. Manufacturers that produce and  
22 sell such materials shall notify retailers about the provisions of this ban and how  
23 to dispose of the remaining inventory properly. Other mercury-added products  
24 that are used by schools are not subject to this prohibition.

25 D. On and after July 1, 2007, no mercury dairy or natural gas  
26 manometers shall be offered for final sale or use or distributed for promotional  
27 purposes in Louisiana. Manufacturers that produce and sell mercury dairy or  
28 natural gas manometers shall notify retailers about the provisions of this  
29 product ban and how to dispose of the remaining inventory properly. The  
30 Department of Environmental Quality in consultation with the Louisiana

1 Department of Agriculture and Forestry and the Louisiana Department of  
2 Natural Resources shall examine the feasibility of implementing a collection and  
3 replacement program for dairy and natural gas manometers, respectively,  
4 including technical and monetary assistance to operations that once contained  
5 mercury manometers.

6 §2576. Exemptions and phase outs

7 A. No mercury-added product shall be offered for final sale or use or  
8 distributed for promotional purposes in Louisiana if the mercury content of the  
9 product exceeds:

10 (1) 1 gram (1,000 milligrams) for mercury-added fabricated products or  
11 250 parts per million (ppm) for mercury-added formulated products, on and  
12 after July 1, 2008.

13 (2) 100 milligrams for mercury-added fabricated products or 50 parts  
14 per million (ppm) for mercury-added formulated products, effective July 1,  
15 2010.

16 (3) 10 milligrams for mercury-added fabricated products or 10 parts per  
17 million (ppm) for mercury-added formulated products, effective July 1, 2012.

18 B. For a product that contains one or more mercury-added products as  
19 a component, this Section is applicable to each component part or parts and not  
20 to the entire product.

21 C. For a product that contains more than one mercury-added product  
22 as a component, the phase out limits specified in Subsection A of this Section  
23 shall apply to each component and not the sum of the mercury in all of the  
24 components. For a newly manufactured automobile containing mercury-added  
25 displays and lighting, the phase out limits would apply to each component  
26 separately, and not the combined total of mercury in all of the components.

27 D. Fluorescent lamps shall be exempt from the requirements of  
28 Subsection A of this Section. On and after July 1, 2014, the mercury content of  
29 fluorescent bulbs must either not exceed 10 milligrams or the manufacturer  
30 must comply with the exemption requirements pursuant to Subsection F of this

1            **Section.**

2                    **E. A mercury-added product shall be exempt from the limits on total**  
3                    **mercury content set forth in Subsection A of this Section, if the level of mercury**  
4                    **or mercury compounds contained in the product are required in order to**  
5                    **comply with federal or state health, safety, or homeland security requirements.**  
6                    **In order to claim exemption under this Section the manufacturer must notify,**  
7                    **in writing, the Department of Environmental Quality and provide the legal**  
8                    **justification for the claim of exemption.**

9                    **F. The department shall promulgate regulations that provide for**  
10                   **manufacturers to apply for exemptions from this Subsection. Such rules shall**  
11                   **provide that manufacturers of a mercury-added product may apply to the**  
12                   **Louisiana Department of Environmental Quality for an exemption from the**  
13                   **limits on total mercury content set forth in Subsection A of this Section for a**  
14                   **product or category of products. Applications for exemptions must document**  
15                   **the basis for the requested exemption or renewal of exemption; describe how**  
16                   **the manufacturer will ensure that a system exists for the proper collection,**  
17                   **transportation, and processing of the products at the end of their useful life; and**  
18                   **document the readiness of all necessary parties to perform as intended in the**  
19                   **planned system. The Department of Environmental Quality may grant with**  
20                   **modifications or conditions an exemption for a product or category of products**  
21                   **if it finds that a system exists for the proper collection, transportation, and**  
22                   **processing of the mercury-added product. Such a system may include direct**  
23                   **return of a waste product to the manufacturer or an industry or trade group**  
24                   **that supports a collection and recycling system, or other similar private and**  
25                   **public sector efforts and it considers each of the following criteria:**

26                   **(1) Use of the product is beneficial to the environment or protective of**  
27                   **public health or protective of public safety.**

28                   **(2) There is no technically feasible alternative to the use of mercury in**  
29                   **the product.**

30                   **(3) There is no comparable non-mercury-added product available at**

1           reasonable cost.

2                   G. Prior to issuing an exemption the Department of Environmental  
3           Quality shall consult with neighboring states and regional organizations to  
4           promote consistency. The state shall avoid to the extent feasible inconsistencies  
5           in the implementation of this Section. Upon reapplication by the manufacturer  
6           and findings by the Department of Environmental Quality of continued  
7           eligibility under the criteria of this Subsection and of compliance by the  
8           manufacturer with the conditions of its original approval, an exemption may be  
9           renewed one or more times and each renewal may be for a period of no longer  
10          than two years.

11          §2577. Labeling of mercury-added products

12                   A. No mercury-added product manufactured on and after July 1, 2008,  
13          shall be offered for final sale or use or distributed for promotional purposes in  
14          Louisiana unless both the product and its packaging are labeled in accordance  
15          with this Section, any adopted rules, or the terms of any approved alternative  
16          labeling or notification granted under R.S. 30:2579. A retailer may not be  
17          found in violation of this Subsection if the retailer lacked knowledge that the  
18          product contained mercury.

19                   B. Where a mercury-added product is a component of another product,  
20          the product containing the component and the component must both be labeled.  
21          The label on a product containing a mercury-added component shall identify  
22          the component with sufficient detail so that it may be readily located for  
23          removal.

24                   C. All labels must be clearly visible prior to sale and must inform the  
25          purchaser, using words or symbols, that mercury is present in the product and  
26          that the product should not be disposed of or placed in a waste stream destined  
27          for disposal until the mercury is removed and reused, recycled, or otherwise  
28          managed to ensure that the mercury in the product does not become mixed with  
29          other solid waste or wastewater.

30                   D. Labels affixed to the product shall be constructed of materials that

1 are sufficiently durable to remain legible for the useful life of the product.

2 E. On and after July 1, 2008, any person offering a mercury-added  
3 product for final sale or use or promotional purposes to an address in Louisiana  
4 shall clearly advise the purchaser or recipient at the point of sale that the  
5 product contains mercury. This requirement shall apply to all transactions  
6 where the purchaser or recipient is unable to view the labels on the package or  
7 the product prior to purchase or receipt, including but not limited to catalogue,  
8 telephone, and Internet sales.

9 F. Responsibility for product and package labels required by this  
10 Section shall be on the manufacturer and not on the wholesaler or retailer  
11 unless the wholesaler or retailer agrees with the manufacturer to accept  
12 responsibility in conjunction with implementation of an alternative to the  
13 labeling requirements of this Section approved under R.S. 30:2578. In the case  
14 of a multi-component product the responsible manufacturer is the last  
15 manufacturer to produce or assemble the product or, if the multi-component  
16 product is produced in a foreign country, the responsible manufacturer is the  
17 importer or domestic distributor.

18 §2578. Labeling for specific products

19 Notwithstanding the requirements of R.S. 30:2577, labeling of appliances  
20 which are sold in a store where the appliance is on display shall meet all  
21 requirements of this Chapter except that no package labeling is required.  
22 Labeling of fever thermometers and button cell batteries shall meet all  
23 requirements of this Section, except that no product labeling is required.  
24 Labeling of newly manufactured motor vehicles shall meet all requirements of  
25 this Section except that the mercury-added components are not required to be  
26 labeled. A doorpost label shall list the mercury-added components that may be  
27 present in the vehicle.

28 §2579. Alternative methods of public notification

29 A. A manufacturer may apply to the Department of Environmental  
30 Quality for an alternative to the requirements of this Section where strict

1 compliance with the requirements is not feasible or the proposed alternative  
 2 would be at least as effective in providing pre-sale notification of mercury  
 3 content and in providing instructions on proper disposal or federal law governs  
 4 labeling in a manner that preempts state authority.

5 B. Applications for an alternative to the requirements under this Section  
 6 must document the justification for the requested alternative; describe how the  
 7 alternative ensures that purchasers or recipients of mercury-added products are  
 8 made aware of mercury content prior to purchase or receipt; describe how a  
 9 person discarding the product will be made aware of the need for proper  
 10 handling to ensure that it does not become part of solid waste or wastewater;  
 11 document the readiness of all necessary parties to implement the proposed  
 12 alternative; and describe the performance measures to be utilized by the  
 13 manufacturer to demonstrate that the alternative is providing effective pre-sale  
 14 notification and pre-disposal notification.

15 C. The Department of Environmental Quality may grant, deny, modify,  
 16 or condition a request for an alternative to the requirements of this Section and  
 17 approval of such alternative. The grant of the application for the alternative  
 18 method of public notification shall be for a period of no more than two years  
 19 and may, upon continued eligibility under the criteria of this Section and  
 20 compliance with the conditions of its prior approval, be renewed for two-year  
 21 intervals. Prior to approving an alternative, the Department of Environmental  
 22 Quality shall consult with neighboring states, provinces and regional  
 23 organizations to ensure that its labeling requirements are consistent with those  
 24 of other governments in the region.

25 §2580. Disposal ban and proper management of mercury in scrap metal  
 26 facilities

27 A. On and after January 1, 2007, mercury shall not be discharged to  
 28 water, wastewater treatment, and wastewater disposal systems except when it  
 29 is done in compliance with applicable local, state, and federal requirements.

30 B. No person shall crush a motor vehicle unless the person has made a

1 reasonable effort to remove or verify that the mercury contained within  
2 convenience lighting switches and antilock braking system components have  
3 been removed. Obtaining a certification by a duly authorized representative of  
4 the person delivering the scrap that the mercury contained within convenience  
5 lighting switches and antilock braking system components required to be  
6 removed have been removed and are not included with the scrap delivered, and  
7 conducting a visual inspection as practicable of the scrap delivered shall  
8 constitute verification that the mercury contained within convenience lighting  
9 switches and antilock braking system components have been removed.

10 C. No person shall shred an appliance unless the person has made a  
11 reasonable effort to remove or verify that the component mercury-added  
12 products have been removed. Obtaining a certification by a duly authorized  
13 representative of the person delivering the scrap that mercury-added products  
14 required to be removed have been removed and are not included with the scrap  
15 delivered and conducting a visual inspection as practicable of the scrap  
16 delivered shall constitute verification that all of the component mercury-added  
17 products have been removed.

18 §2581. Collection of mercury-added products

19 A. On and after July 1, 2007, no mercury-added product containing  
20 more than ten milligrams of mercury shall be offered for final sale or use or  
21 distribution for promotional purposes in Louisiana unless the manufacturer  
22 either on its own or in concert with other persons has submitted a plan for a  
23 convenient and accessible collection system for such products when the  
24 consumer is finished with them and such a plan has received approval of the  
25 Department of Environmental Quality. The manufacturer of any automobile  
26 subject to the removal of the mercury contained within convenience lighting  
27 switches and antilock braking system components as provided in R.S.  
28 30:2580(B) shall either on its own or in concert with other persons, submit a  
29 plan effective until January 1, 2017 for a convenient and accessible collection  
30 system for the mercury contained within convenience lighting switches and

1 antilock braking system components when removed from end-of-life vehicles.

2 Where a mercury-added product is a component of another product, the  
3 collection system shall provide for removal and collection of the mercury-added  
4 component. The department shall promulgate regulations that provide for the  
5 requirements of the collection plan. Those regulations shall provide that the  
6 collection system plan shall include all of the following elements:

7 (1) A public education program to inform the public about the purpose  
8 of the collection program and how to participate in it.

9 (2) A targeted capture rate for the mercury-added products or  
10 components.

11 (3) A plan for implementing the collection system.

12 (4) Documentation of the willingness of all necessary parties to  
13 implement the proposed collection system.

14 (5) A description of the performance measures to be utilized and  
15 reported by the manufacturer to demonstrate that the collection system is  
16 meeting capture rate targets and other measures of program effectiveness as  
17 required by the Department of Environmental Quality.

18 (6) A description of additional or alternative actions that will be  
19 implemented to improve the collection system and its operation in the event that  
20 the program targets are not met.

21 B. In developing a collection system plan, manufacturers are encouraged  
22 to utilize or expand on existing collection and recycling infrastructure.

23 C. Within a year of the Louisiana Department of Environmental Quality  
24 approval of the collection system plan, the manufacturer or entity that  
25 submitted the plan on behalf of the manufacturer shall ensure that a convenient  
26 and accessible recovery system for the users of those products is in full  
27 operation. Two years following the implementation of the collection system plan  
28 required under this Section and biennially thereafter, the manufacturer or  
29 entity that submitted the plan on behalf of the manufacturer shall submit a  
30 report on the effectiveness of the collection system. The report shall include an

1 estimate of the amount of mercury that was collected, the capture rate for the  
2 mercury-added products or components, the results of the other performance  
3 measures included in the manufacturer's collection system plan, and such other  
4 information as the Department of Environmental Quality may require. Such  
5 reports shall be made available to the public by the Department of  
6 Environmental Quality.

7 D. Mercury-added formulated products intended to be totally consumed  
8 in use, such as reagents, cosmetics, pharmaceuticals, and other laboratory  
9 chemicals, shall be exempt from the requirements of this Section.

10 E. Manufacturers of mercury-added products may apply for an  
11 exemption from the collection requirements of this Section by forwarding an  
12 exemption request to the Louisiana Department of Environmental Quality. In  
13 considering the request, the secretary shall consider the amount of mercury in  
14 the mercury-added product, the total of the mercury-added product sold in  
15 Louisiana, the total amount of mercury-added product disposed of in Louisiana,  
16 the feasibility of a collection system, and the overall risk to human health and  
17 the environment posed by the mercury-added product. The secretary shall  
18 promulgate rules for the implementation of this Section.

19 §2582. Disclosure for mercury-containing formulated products used in health  
20 care facilities

21 On and after July 1, 2007, the manufacturers of formulated mercury-  
22 added products that are offered for sale or use to a health care facility in  
23 Louisiana shall provide both the Department of Environmental Quality and the  
24 recipient health care facility a notice of the mercury content of the product,  
25 down to a 1 part per million level. The notice shall report the result of an  
26 analysis performed for mercury on the specific batch or lot of that product  
27 offered for sale. The batch or lot number of the product shall be clearly  
28 identified on the product and on the notice.

29 §2583. Limitations on the use of elemental mercury

30 A. On and after July 1, 2007, no person shall offer for sale or distribute

1 for promotional purposes or provide elemental mercury without providing a  
2 Material Safety Data Sheet, as defined in 42 U.S.C. 11049, and the seller,  
3 distributor, or provider shall require the purchaser or recipient at the time of  
4 receipt of any elemental mercury to sign a statement attesting the purchaser or  
5 recipient:

6 (1) Will use the mercury only for medical, dental, research or  
7 manufacturing purposes.

8 (2) Understands mercury is toxic and the purchaser will store, use, and  
9 otherwise handle exposure to such mercury in accordance with regulations  
10 promulgated by the department pursuant to the provisions of this Section. For  
11 qualified health care providers, those regulations shall incorporate best  
12 management practices in accordance with guidelines of the American Dental  
13 Association, the American Medical Association, and other nationally recognized  
14 professional health care organizations.

15 (3) Will dispose of the elemental mercury in accordance with state,  
16 federal, and local law and regulation.

17 B. The department shall promulgate regulations providing for the  
18 appropriate manner of disposal of mercury used for medical and dental  
19 purposes.

20 C. To facilitate compliance with the disposal ban, the Department of  
21 Environmental Quality may prepare and publish best management practice  
22 guidelines for dental offices and laboratories.

23 §2584. Existing inventories

24 A. Mercury-added products with a code or date of manufacture  
25 indicating the products were manufactured prior to the effective date of this  
26 Act, or that are meant to service products manufactured prior to the effective  
27 date of this Act, are exempt from the provisions of R.S. 30:2575, 2576, 2578,  
28 2581, and 2583 if there are no reasonable non-mercury alternatives. If the  
29 mercury-added product has a date of manufacture or the manufacturer can  
30 provide documentation that the product in question was manufactured prior to

1 the effective date of this Act, or the product is a service part for a product  
2 manufactured prior to the effective date of this Act, it is exempt from the  
3 provisions of R.S. 30:2575, 2576, 2578, 2581, and 2583 if there are no reasonable  
4 non-mercury alternatives. Situations that are beyond the control of the  
5 manufacturer, such as old stock being held by retailers, shall be addressed on  
6 a case-by-case basis.

7 B. Medical equipment containing mercury-added products currently  
8 being used in a health care facility and manufactured prior to the effective date  
9 of this Act may remain in service until replaced or refurbished. In the event a  
10 mercury-added product being used in a health care facility is refurbished,  
11 medical equipment containing a mercury-added product shall be refurbished  
12 with a non-mercury containing component, unless there is no reasonable non-  
13 mercury alternative or the mercury containing component has been exempted  
14 by the provisions of R.S. 30:2576.

15 §2585. Public education and outreach

16 A. The Department of Environmental Quality shall, as funds are  
17 available, implement a comprehensive public education, outreach, and  
18 assistance program for households, hazardous waste generators, local and  
19 regional solid waste management agencies, small businesses, health care  
20 facilities, scrap metal facilities, dismantlers, institutions, schools, and other  
21 interested groups in concert with other relevant state agencies. Public  
22 education, outreach, and assistance programs should focus on the hazards of  
23 mercury; the requirements and obligations of individuals and manufacturers,  
24 and voluntary efforts that individuals, institutions, and businesses can  
25 undertake to help further reduce mercury in the environment. The Department  
26 of Environmental Quality shall cooperate with manufacturers of mercury-  
27 added products and other affected businesses in the development and  
28 implementation of public education and technical assistance programs.

29 B. The Department of Environmental Quality may develop an awards  
30 program to recognize the accomplishments of manufacturers, municipalities,

1 solid waste management facilities, solid waste recycling facilities, household  
2 hazardous waste collection facilities, citizens, or others who go beyond the  
3 minimum requirements in this legislation and excel at reducing or eliminating  
4 mercury in air emissions, solid waste, and wastewater discharges.

5 §2586. State procurement preferences for low or non-mercury-added products

6 Notwithstanding any law to the contrary or any rule or regulation  
7 promulgated pursuant thereto, for the procurement of equipment, supplies, and  
8 other products, all state agencies shall by July 1, 2007, revise their policies,  
9 rules, and procedures to implement the purposes of this Act. In purchasing  
10 decisions, state agencies shall give priority and preference to the purchase of  
11 equipment, supplies, and other products that contain no mercury-added  
12 compounds or components, unless there is no economically feasible non-  
13 mercury-added alternative that performs a similar function. In circumstances  
14 where a non-mercury-added product is not available, preference shall be given  
15 to the purchase of products that contain the least amount of mercury-added to  
16 the product necessary for the required performance. The division of  
17 administration is authorized to give a price preference of up to twenty percent  
18 for products that contain no mercury or less mercury than comparable mercury  
19 containing products. The procurement agent shall specify non-mercury or  
20 reduced mercury-added products, as applicable, in procurement bid documents.  
21 State dental insurance contracts negotiated after the effective date of this Act  
22 shall provide equal coverage for non-mercury fillings and dental amalgam  
23 fillings at no additional expense to the state employee.

24 §2587. Water and wastewater system use prohibition

25 A. On and after August 1, 2006, no person shall install a mercury switch  
26 or mercury containing device in any drinking water system or waste water  
27 system including, but not limited to level indicators, float switches, pump  
28 control, and pressure sensing systems.

29 B. On and after July 1, 2009, all mercury devices shall be removed from  
30 drinking water systems or wastewater systems where the installed switch may

1 release mercury into the water, if damaged, broken or otherwise malfunctions.  
2 Mercury-added devices external to drinking water and wastewater systems are  
3 exempted from this provision.

4 C. Owners and operators of drinking water and wastewater management  
5 facilities shall implement the following mechanisms:

6 (1) Posting of signs at the facility providing notice of the prohibition of  
7 the introduction of mercury-added products at the facility.

8 (2) Development of written purchasing procedure to prohibit the  
9 purchasing of mercury or mercury containing products that will risk the  
10 introduction of mercury into drinking or waste waters.

11 **§2588. Enforcement**

12 A violation of any of the provisions of this Act or of any rule or  
13 regulation promulgated pursuant thereto shall be punishable as provided in  
14 R.S. 30:2025 and any other law providing for the protection of human health  
15 and the environment.

16 Section 2. This Act shall become effective upon signature by the governor or, if not  
17 signed by the governor, upon expiration of the time for bills to become law without signature  
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
20 effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_