

# 13:1E-99.91

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 80

**NJSA:** 13:1E-99.91 (Bans sale of certain mercury thermometers)

**BILL NO:** A3486/3377 (Substituted for S1841)

**SPONSOR(S):** Sires and Mayer

**DATE INTRODUCED:** November 4, 2004

**COMMITTEE:** **ASSEMBLY:** Environment and Solid Waste  
**SENATE:** Environment

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** March 14, 2005

**SENATE:** March 14, 2005

**DATE OF APPROVAL:** April 26, 2005

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Assembly Committee Substitute (1R) for A3486/3377 enacted)

#### A3486/3377

[SPONSOR'S STATEMENT \(A3486\)](#): (Begins on page 2 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A3377\)](#): (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### S1841

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"NJ bans sale of mercury thermometers," 4-27-2005 Home News Tribune, p.A3

"NJ bans sale of mercury thermometers," 4-27-2005 Asbury Park Press, p.A14

IS 5/15/07

P.L. 2005, CHAPTER 80, *approved April 26, 2005*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, Nos. 3486 and 3377

1 AN ACT concerning mercury thermometers, and supplementing Title  
2 13 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Within 180 days after the effective date of this act, no person  
8 shall sell, offer for sale, or offer for promotional purposes in this State  
9 a basal, oral or rectal mercury thermometer.

10 The provisions of this act shall not apply to thermometers utilized  
11 in research and development, for professional health care purposes, or  
12 for industrial, manufacturing or commercial purposes.

13 As used in this act, "mercury thermometer" means a device used  
14 for measuring temperature that contains <sup>1</sup>liquid<sup>1</sup> mercury.

15  
16 <sup>1</sup>2. a. The Commissioner of Environmental Protection shall  
17 establish a means of addressing consumer complaints and a public  
18 education program to assure the widespread dissemination of  
19 information concerning the purpose of this act.

20 b. The Department of Environmental Protection shall have the  
21 right to enter, at any time during normal business hours and upon  
22 presentation of appropriate credentials, any retail establishment at  
23 which mercury thermometers are sold or offered for promotional  
24 purposes in order to determine compliance with the provisions of this  
25 act.<sup>1</sup>

26  
27 <sup>1</sup>3. a. Any person convicted of a violation of this act shall be  
28 subject to a penalty of not less than \$500.00 nor more than \$1,000.00  
29 for each offense, to be collected in a civil action by a summary  
30 proceeding under "The Penalty Enforcement Law of 1999," P.L.1999,  
31 c.274 (C.2A:58-10 et seq.). The municipal court and the Superior  
32 Court shall have jurisdiction of proceedings for the enforcement of the  
33 penalty provided by this section.

34 If the violation is of a continuing nature, each day during which it  
35 continues constitutes an additional, separate, and distinct offense.

36 b. The Department of Environmental Protection may institute a  
37 civil action for injunctive relief to enforce this act and to prohibit and

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SEN committee amendments adopted February 7, 2005.

1 prevent a violation of this act, and the court may proceed in the action  
2 in a summary manner.<sup>1</sup>

3

4 <sup>1</sup>[2.] 4.<sup>1</sup> This act shall take effect immediately.

5

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7

8

9 Bans sale of certain mercury thermometers.

**ASSEMBLY, No. 3486**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED NOVEMBER 4, 2004

**Sponsored by:**

**Assemblyman ALBIO SIRES**

**District 33 (Hudson)**

**SYNOPSIS**

Bans sale of certain mercury thermometers.

**CURRENT VERSION OF TEXT**

As introduced.



A3486 SIRES

2

1 ANACT concerning mercury thermometers, and supplementing Title 13 of the  
2 Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State of*  
5 *New Jersey:*

6

7 1. Within 180 days after the effective date of this act, no person shall sell,  
8 offer for sale, or offer for promotional purposes in this State a basal, oral or  
9 rectal mercury thermometer.

10 The provisions of this act shall not apply to thermometers utilized in  
11 research and development, for professional health care purposes, or for  
12 industrial, manufacturing or commercial purposes.

13 As used in this act, "mercury thermometer" means a device used for  
14 measuring temperature that contains mercury.

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill would ban the sale of basal, oral or rectal thermometers that  
22 contain mercury in this State. The bill would provide that the ban would not  
23 apply to thermometers utilized in research and development, professional  
24 health care purposes or for industrial type thermometers utilized for measuring  
25 temperature in manufacturing, production, storage or processing operations.

**ASSEMBLY, No. 3377**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED OCTOBER 18, 2004

**Sponsored by:**

**Assemblyman DAVID R. MAYER**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Bans sale of mercury thermometers.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning mercury thermometers, and supplementing Title  
2 13 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. Within 180 days of the effective date of this act, no person shall  
8 sell, offer for sale, or offer for promotional purposes in this State a  
9 mercury thermometer. As used in this act, "mercury thermometer"  
10 means a device used for measuring temperature that contains mercury.

11

12 2. This act shall take effect immediately.

13

14

15 STATEMENT

16

17 This bill would ban the sale of thermometers that contain mercury.



ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 3486 and 3377**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 4, 2004

The Assembly Environment and Solid Waste Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 3486 and 3377.

This committee substitute, within 180 days after enactment into law, would ban the sale of basal, oral or rectal thermometers that contain mercury in this State. The substitute provides that this ban would not apply to thermometers used in research and development, for professional health care purposes, or for industrial, manufacturing or commercial purposes.

**SENATE, No. 1841**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED OCTOBER 4, 2004

**Sponsored by:**

**Senator FRED MADDEN**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senator Sweeney**

**SYNOPSIS**

Bans sale of mercury thermometers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/26/2004)**

**S1841 MADDEN**

2

1 **AN ACT** concerning mercury thermometers, and supplementing Title  
2 13 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. Within 180 days of the effective date of this act, no person shall  
8 sell, offer for sale, or offer for promotional purposes in this State a  
9 mercury thermometer. As used in this act, "mercury thermometer"  
10 means a device used for measuring temperature that contains mercury.

11

12 2. This act shall take effect immediately.

13

14

15

**STATEMENT**

16

17 This bill would ban the sale of thermometers that contain mercury.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 3486 and 3377**

with committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2005

The Senate Environment Committee reports favorably Assembly Committee Substitute for Assembly Bill Nos. 3486 and 3377 with committee amendments.

Assembly Committee Substitute for Assembly Bill Nos. 3486 and 3377, within 180 days after enactment into law, would ban the sale of basal, oral or rectal thermometers that contain liquid mercury in this State. The substitute provides that this ban would not apply to thermometers used in research and development, for professional health care purposes, or for industrial, manufacturing or commercial purposes.

The committee amendments would: (1) require the Commissioner of Environmental Protection to establish a means of addressing consumer complaints and a public education program to assure the widespread dissemination of information concerning the ban imposed under this act; (2) authorize the Department of Environmental Protection the right to enter, at any time during normal business hours and upon presentation of appropriate credentials, any retail establishment at which mercury thermometers are sold or offered for promotional purposes in order to determine compliance with the provisions of this act; and (3) provide that any person convicted of a violation of this act would be subject to a penalty of not less than \$500.00 nor more than \$1,000.00 for each offense, to be collected in a civil action by a summary proceeding under "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

As amended, Assembly Committee Substitute for Assembly Bill Nos. 3486 and 3377 is identical to S-1841 Sca.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 1841**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 7, 2005

The Senate Environment Committee reports favorably and with committee amendments Senate Bill No. 1841.

As amended, Senate Bill No. 1841, within 180 days after enactment into law, would ban the sale of basal, oral or rectal thermometers that contain liquid mercury in this State. The bill provides that this ban would not apply to thermometers used in research and development, for professional health care purposes, or for industrial, manufacturing or commercial purposes.

The bill provides further that the Commissioner of Environmental Protection shall establish a means of addressing consumer complaints and a public education program to assure the widespread dissemination of information concerning the ban imposed under this act.

The Department of Environmental Protection shall have the right to enter, at any time during normal business hours and upon presentation of appropriate credentials, any retail establishment at which mercury thermometers are sold or offered for promotional purposes in order to determine compliance with the provisions of this act.

Any person convicted of a violation of this act shall be subject to a penalty of not less than \$500.00 nor more than \$1,000.00 for each offense, to be collected in a civil action by a summary proceeding under "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

As amended, Senate Bill No. 1841 is identical to Assembly Committee Substitute for A3486 and A3377 with Senate Committee amendments.