



General Assembly

February Session, 2002

**Amendment**

LCO No. 4014

\*HB0553904014HD0\*

Offered by:

REP. STRATTON, 17<sup>th</sup> Dist.

To: Subst. House Bill No. 5539

File No. 291

Cal. No. 176

**"AN ACT CONCERNING MERCURY EDUCATION AND REDUCTION."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2002*) The General Assembly finds  
4 that mercury is a persistent and toxic pollutant that bioaccumulates in  
5 the environment, and that in order to create and maintain a healthful  
6 environment and protect public health, the virtual elimination of the  
7 discharge of anthropogenic mercury should be pursued.

8 Sec. 2. (NEW) (*Effective July 1, 2002*) As used in sections 1 to 14,  
9 inclusive, of this act:

10 (1) "Mercury" means elemental mercury and mercury compounds;

11 (2) "Mercury-added product" means a product, commodity,  
12 chemical or component of a product that contains mercury or a  
13 mercury compound that is intentionally added for any reason.

14 "Mercury-added product" includes, but is not limited to, formulated  
15 mercury-added products and fabricated mercury-added products.  
16 "Mercury-added product" does not include any packaging component,  
17 as defined in subdivision (3) of section 22a-255h of the general statutes;

18 (3) "Formulated mercury-added product" means a mercury-added  
19 product that is sold as a consistent mixture of chemicals, including, but  
20 not limited to, laboratory chemicals, materials used for cleaning,  
21 maintenance or disinfection, cosmetics, pharmaceuticals, coating  
22 materials, acids, alkalites, bleach, pharmaceutical products, stains,  
23 reagents, preservatives, fixatives, buffers and dyes;

24 (4) "Fabricated mercury-added product" means a mercury-added  
25 product that consists of a combination of individual components that  
26 combine to make a single unit, including, but not limited to, mercury-  
27 added measuring devices, lamps and switches;

28 (5) "Mercury fever thermometer" means a mercury-added product  
29 that is used for measuring body temperature, but does not mean a  
30 digital thermometer that includes a removable button cell battery  
31 containing mercury;

32 (6) "Mercury-added novelty" means a mercury-added product  
33 intended mainly for personal or household enjoyment or adornment,  
34 including, but not limited to, products intended for use as practical  
35 jokes, figurines, adornments, toys, games, cards, ornaments, yard  
36 statutes and figures, candles, jewelry, holiday decorations, footwear,  
37 other items of apparel or similar products. A product is not a  
38 "mercury-added novelty" solely on the basis that it includes a  
39 removable button cell battery containing mercury;

40 (7) "Manufacturer" means any person that (A) produces a mercury-  
41 added product, or (B) serves as an importer or domestic distributor of  
42 a mercury-added product produced outside the United States. In the  
43 case of a multi-component product, "manufacturer" means the last  
44 manufacturer to produce or assemble the product, unless the multi-  
45 component mercury-added product is produced outside the United

46 States, in which case "manufacturer" means the importer or domestic  
47 distributor;

48 (8) "Person" means any individual, organization, partnership, joint  
49 venture, association, firm, limited liability company, corporation or  
50 other entity, and includes a municipality, the federal government, the  
51 state or any instrumentality of the state, or other governmental entity  
52 and any officer or governing or managing body of any partnership,  
53 association, firm or corporation or any member or manager of a  
54 limited liability company;

55 (9) "Vehicle" means any device capable of being moved upon a  
56 public highway and any device in, upon or by which any person or  
57 property is or may be transported or drawn upon a public highway,  
58 but does not include devices moved by human or animal power or  
59 used exclusively upon stationary rails or tracks;

60 (10) "Scrap metal" means used or discarded items that consist  
61 predominantly of ferrous metals, aluminum, brass, copper, lead,  
62 chromium, tin, nickel or alloys;

63 (11) "Solid waste" means unwanted or discarded solid, liquid,  
64 semisolid or contained gaseous material, including, but not limited to,  
65 demolition debris, material burned or otherwise processed at a  
66 resources recovery facility or incinerator, material processed at a  
67 recycling facility, sludges or other residue from a water pollution  
68 abatement facility, water supply treatment plant or air pollution control  
69 facility;

70 (12) "Commissioner" means the Commissioner of Environmental  
71 Protection.

72 Sec. 3. (NEW) (*Effective July 1, 2002*) The commissioner shall  
73 participate in the regional, multi-state clearinghouse to assist in  
74 carrying out the requirements set forth in sections 1 to 14, inclusive, of  
75 this act to act as the designated agent of the clearinghouse for the  
76 purposes of receiving notifications and submissions of information as

77 required by this act and to help coordinate reviews of the  
78 manufacturers' notifications regarding mercury-added products,  
79 applications for phase-out exemptions, collection system plans,  
80 disclosures of mercury content, applications for alternative labeling or  
81 notification systems or both, education and outreach activities, and any  
82 other functions related to sections 1 to 14, inclusive, of this act.

83       Sec. 4. (NEW) (*Effective July 1, 2002*) (a) On and after January 1, 2003,  
84 no person shall offer any mercury-added product for sale or use by  
85 any means, including e-commerce, or distribute for promotional  
86 purposes in this state unless the manufacturer or its designated  
87 industrial trade group gives prior notification in writing to the  
88 commissioner or the regional, multi-state clearinghouse described in  
89 section 3 of this act as provided in this section. Such notification, in a  
90 form prescribed by the commissioner, shall at a minimum include (1) a  
91 brief description of the product or category of products to be offered  
92 for sale or use or distributed; (2) an identification of each product by its  
93 mercury content in one of the following ranges: Less than zero to five  
94 milligrams, greater than five milligrams to ten milligrams, greater than  
95 ten milligrams to fifty milligrams, greater than fifty milligrams to one  
96 hundred milligrams, greater than one hundred milligrams to one  
97 thousand milligrams and greater than one thousand milligrams; (3) the  
98 actual total amount of mercury in each product; and (4) the name and  
99 address of the manufacturer and the name, address and phone number  
100 of a contact person at the manufacturer. The manufacturer or its  
101 designated industrial trade group shall revise the information in the  
102 notification whenever there is significant change in the information or  
103 when requested by the commissioner or the regional, multi-state  
104 clearinghouse.

105       (b) Any mercury-added product for which federal law preempts  
106 state authority over notice requirements is exempt from the  
107 requirements of this section.

108       (c) With the approval of the commissioner, the manufacturer or its  
109 designated industrial trade group may supply the information

110 required in subdivisions (1) to (3), inclusive, of subsection (a) of this  
111 section for a product category rather than an individual product.

112 (d) Public disclosure of trade secrets submitted to the commissioner  
113 pursuant to this section shall be governed by the provisions of chapter  
114 14 of the general statutes. Notwithstanding the provisions of said  
115 chapter 14, the commissioner may provide the regional, multi-state  
116 clearinghouse described in section 3 of this act with copies of such  
117 information and the commissioner, in consultation with the  
118 clearinghouse, may compile or publish analyses or summaries of such  
119 information, provided the analyses or summaries do not identify any  
120 manufacturer or reveal any confidential information.

121 Sec. 5. (NEW) (*Effective July 1, 2002*) (a) Notwithstanding the  
122 provisions of section 6 of this act, on and after July 1, 2003, no person  
123 shall offer for sale or use by any means, including e-commerce, or  
124 distribute for promotional purposes in the state any mercury-added  
125 novelty. A manufacturer that produces or sells mercury-added  
126 novelties shall notify retailers that sell mercury-added novelties about  
127 such product ban and inform such retailers of how to dispose of the  
128 remaining inventory in accordance with title 22a of the general  
129 statutes.

130 (b) Notwithstanding the provisions of section 6 of this act, on and  
131 after January 1, 2003, no person shall offer for sale or use by any  
132 means, including e-commerce, or distribute for promotional purposes  
133 mercury fever thermometers except by prescription written by a  
134 physician. A manufacturer of mercury fever thermometers shall  
135 provide the buyer or the recipient with notice of mercury content,  
136 instructions on proper disposal and instructions that clearly describe  
137 how to carefully handle the thermometer to avoid breakage and on  
138 proper cleanup should a breakage occur.

139 (c) Notwithstanding the provisions of section 6 of this act, on and  
140 after July 1, 2003, no person shall offer for sale or use by any means,  
141 including e-commerce, or distribute for promotional purposes mercury

142 dairy manometers. A manufacturer that produce or sell mercury dairy  
143 manometers shall notify retailers about the provisions of this  
144 subsection and how to dispose of the remaining inventory properly in  
145 accordance with title 22a of the general statutes. The Commissioner of  
146 Environmental Protection, in consultation with the Commissioner of  
147 Agriculture, shall examine the feasibility of implementing a collection  
148 and replacement program for dairy manometers, and shall implement  
149 such a program within available appropriations.

150 (d) On and after July 1, 2003, no vocational dental education or  
151 training school shall use mercury amalgam unless such school has  
152 developed and implemented a plan approved by the commissioner  
153 that assures best management practices are used to prevent discharge  
154 of mercury into the waters of the state, any pollution abatement facility  
155 or subsurface sewage disposal system, and to properly handle and  
156 recycle or dispose of waste elemental mercury and amalgam. Such  
157 plan shall provide for an education program for students regarding the  
158 hazards of mercury and best management practices.

159 Sec. 6. (NEW) (*Effective July 1, 2002*) (a) Except as provided in section  
160 7 of this act, and except for specialized lighting used in the  
161 entertainment industry such as metal halide lights, no person shall  
162 offer for sale or use by any means, including e-commerce, or distribute  
163 for promotional purposes any mercury-added product if: (1) After July  
164 1, 2004, the mercury content of the product exceeds one gram in the  
165 case of fabricated mercury-added products or two hundred fifty parts  
166 per million in the case of formulated mercury-added products; and (2)  
167 on and after July 1, 2006, the mercury content of the product exceeds  
168 one hundred milligrams in the case of fabricated mercury-added  
169 products or fifty parts per million in the case of formulated mercury-  
170 added products.

171 (b) Not later than July 1, 2003, the commissioner shall convene a  
172 working group which shall include, but not be limited to, government  
173 representatives from other northeastern states to evaluate advances in  
174 technology and make recommendations regarding the regulation of

175 mercury-added products that have a mercury content in excess of ten  
176 milligrams or ten parts per million but less than one hundred  
177 milligrams or fifty parts per million and specialized lighting used in  
178 the entertainment industry such as metal halide lights. The working  
179 group shall finalize such recommendations not later than July 1, 2004.

180 (c) In the case of a product that contains one or more mercury-  
181 added products as a component, the phase-out limits specified in  
182 subsection (a) of this section apply to each component part or parts  
183 and not to the entire product.

184 Sec. 7. (NEW) (*Effective July 1, 2002*) (a) The commissioner shall  
185 exempt a mercury-added product from the limits on total mercury  
186 content set forth in subsection (a) of section 6 of this act if the level of  
187 mercury or mercury compounds contained in the product are  
188 necessary to comply with federal or state health or safety  
189 requirements. In order to obtain such exemption, the manufacturer  
190 shall provide the commissioner and notify the regional, multi-state  
191 clearinghouse described in section 3 of this act with information that  
192 demonstrates such necessity.

193 (b) A manufacturer of a mercury-added product or category of  
194 products may apply to the commissioner and notify the clearinghouse  
195 for a modified or conditional exemption from the limits on total  
196 mercury content set forth in subsection (a) of section 6 of this act  
197 provided such exemption shall be for not more than four years.

198 (c) The manufacturer shall apply for a modified or conditional  
199 exemption (1) not later than one year before the effective date of the  
200 limit for which the exemption is being requested in the case of an  
201 existing product or category of products, or (2) prior to the sale or use  
202 by any means, including e-commerce, or distribution in the case of  
203 promotional purposes of a new product or category of products.

204 (d) An application for a modified or conditional exemption shall (1)  
205 document the basis for the requested exemption or renewal of  
206 exemption, and (2) describe how the manufacturer will ensure that a

207 system exists for the proper collection, transportation and processing  
208 of the product or products at the end of their useful life.

209 (e) In determining whether to grant a modified or conditional  
210 exemption for a product or category of products the commissioner  
211 shall consider (1) whether a system exists for the proper collection,  
212 transportation and processing of the mercury-added product,  
213 including, but not limited to, a system for the direct return of a waste  
214 product to the manufacturer or a collection and recycling system that  
215 is supported by an industry or trade group, or other similar private or  
216 public sector efforts, and (2) whether each of the following criteria is  
217 met: (A) Use of the product is beneficial to the environment or  
218 protective of public health or protective of public safety; (B) there is no  
219 technically feasible alternative to the use of mercury in the product; (C)  
220 there is no comparable product, other than a mercury-added product,  
221 available at reasonable cost; and (D) with respect to a renewal of an  
222 exemption, reasonable efforts have been made to remove mercury  
223 from the product.

224 (f) Prior to issuing a modified or conditional exemption, the  
225 commissioner shall consult with the clearinghouse, states, provinces  
226 and regional governmental organizations to promote consistency in  
227 the implementation of this section.

228 (g) The commissioner may renew, for a period of not longer than  
229 four years, a modified or conditional exemption one or more times if  
230 (1) the manufacturer applies for the renewal, and (2) the commissioner  
231 finds that the manufacturer meets the requirements for such  
232 exemption and that the manufacturer has complied with all the  
233 conditions of the original approval.

234 Sec. 8. (NEW) (*Effective July 1, 2002*) (a) Except as provided in  
235 subsection (g) of this section, on and after July 1, 2004, no person shall  
236 offer for sale or use by any means, including e-commerce, or distribute  
237 for promotional purposes any mercury-added product unless both the  
238 product and either its packaging or care and use manual are labeled in

239 accordance with this section, any regulations adopted under this  
240 section or the terms of any approved alternative labeling or  
241 notification granted under subsection (h) of this section. A retailer shall  
242 not be found in violation of this subsection if the retailer lacked  
243 knowledge that the product contained mercury.

244 (b) Except as provided in subsection (g) of this section, if a mercury-  
245 added product is a component of another product, the product  
246 containing the component and the component shall both be labeled as  
247 provided in this section, provided such component may feasibly be  
248 removed from the product by the purchaser. The label on a product  
249 containing a mercury-added component that can be feasibly removed  
250 shall identify the component with sufficient detail so that the  
251 component may be readily located for removal.

252 (c) All labels contained on packaging shall be clearly visible prior to  
253 sale and all labels required on the product packaging or in the care and  
254 use manual shall be sufficient to inform the purchaser, using words or  
255 symbols, that mercury is present in the product and that the product  
256 should be properly disposed of or recycled in accordance with title 22a  
257 of the general statutes.

258 (d) Labels affixed to the product shall be constructed of materials  
259 that are sufficiently durable to remain legible for the useful life of the  
260 product.

261 (e) On and after July 1, 2004, any person offering a mercury-added  
262 product for sale or use through e-commerce or a catalog, or  
263 distributing such product for promotional purposes shall clearly  
264 advise in writing the purchaser or recipient prior to the time of sale,  
265 use or distribution that the product contains mercury. On and after  
266 July 1, 2004, any person offering a mercury-added product for sale or  
267 use by telephone shall clearly advise the purchaser or recipient prior to  
268 the time of sale or use that the product contains mercury. Such  
269 requirements shall apply to such transactions in which the purchaser  
270 or recipient is unable to view the labels on the package or the product

271 prior to purchase or receipt.

272 (f) The manufacturer of a product shall be responsible for product  
273 and package labels required under this section, unless the wholesaler  
274 or retailer agrees in writing to accept the responsibility of  
275 implementing an alternative to the labeling requirements of this  
276 section provided such alternative is approved under subsection (h) of  
277 this section.

278 (g) (1) Manufacturers shall meet all the requirements of this section  
279 for large appliances, including, but not limited to, washers, dryers,  
280 ovens, including microwave ovens, refrigerators, air conditioners,  
281 dehumidifiers or portable heaters sold in a store where such appliance  
282 is on display, except that no package labeling shall be required; (2)  
283 manufacturers shall meet all the requirements of this section for  
284 mercury fever thermometers, except that no product labeling shall be  
285 required; (3) in the case of vehicles, (A) manufacturers shall meet the  
286 product labeling requirements of this section for vehicles by placing a  
287 label on the doorpost of the vehicles that lists the mercury-added  
288 components that may be present in the vehicle, and (B) manufacturers  
289 shall not be required to label the mercury-added components of the  
290 vehicle; (4) manufacturers of products that contain a mercury-  
291 containing lamp used for backlighting that cannot feasibly be removed  
292 by the purchaser shall meet the product labeling requirements of this  
293 section by placing the label on the product or its care and use manual;  
294 (5) manufacturers shall meet all the requirements of this section for  
295 button cell batteries containing mercury, except that no labeling shall  
296 be required; (6) in the case of products that contain button cell batteries  
297 containing mercury as the only mercury components, manufacturers  
298 shall meet the packaging requirements of this section by including a  
299 label in the product instructions, if any, and on the packaging, and no  
300 further product labeling shall be required; and (7) manufacturers of  
301 medical equipment not intended for use by nonmedical personnel are  
302 exempt from this section.

303 (h) (1) A manufacturer may apply to the commissioner and the

304 regional, multi-state clearinghouse described in section 3 of this act for  
305 an alternative to the requirements of subsections (a) to (g), inclusive, of  
306 this section if: (A) Compliance with the requirements is not feasible; (B)  
307 the proposed alternative would be at least as effective in providing  
308 presale notification of mercury content and in providing instructions  
309 on proper disposal; or (C) federal law preempts state authority over  
310 labeling.

311 (2) The commissioner may approve, deny, modify or condition a  
312 request for an alternative to the requirements of subsections (a) to (g),  
313 inclusive, of this section. An approval shall be for a period of no more  
314 than two years and may, upon continued eligibility under the criteria  
315 of this section and compliance with the conditions of its prior  
316 approval, be renewed. Requests for renewals shall be submitted ninety  
317 days before the expiration of the approval. Prior to approving an  
318 alternative, the commissioner shall consult with states, provinces and  
319 regional government organizations to insure that the commissioner's  
320 labeling requirements are consistent with those of other jurisdictions in  
321 the region. The commissioner may revoke an approval for cause.

322 (i) Notwithstanding the provisions of this section, a person who  
323 sells mercury-added lamps to the owner or manager of any industrial,  
324 commercial or office building or to any person who replaces or  
325 removes from service outdoor lamps that contain mercury shall clearly  
326 inform the purchaser in writing on the invoice for the lamps or in a  
327 separate document that the lamps contain mercury, a hazardous  
328 substance that is regulated by federal and state law, and that they may  
329 not be placed in the solid waste destined for disposal. Retail  
330 establishments that incidentally sell mercury-added lamps to  
331 purchasers are exempt from the requirements of this subsection. A  
332 person who contracts with the owner or manager of an industrial,  
333 commercial or office building or with a person responsible for outdoor  
334 lighting to remove from service mercury-added lamps shall clearly  
335 inform in writing the person for whom the work is being done that the  
336 lamps being removed from service contain mercury and what the  
337 contractor's arrangements are for the management of the mercury in

338 the removed lamps.

339 Sec. 9. (NEW) (*Effective July 1, 2002*) (a) On and after July 1, 2003, no  
340 person shall offer any mercury-added product for sale or use by any  
341 means, including e-commerce, or distribute any such product for  
342 promotional purposes unless the manufacturer either on its own or in  
343 concert with other persons has submitted a plan to the commissioner  
344 for a system that reasonably enables the collection of such products. If  
345 a mercury-added product is a component of another product, the  
346 collection system shall provide for removal and collection of the  
347 mercury-added component or collection of both the mercury-added  
348 component and the product containing it.

349 (b) The collection system shall include (1) a public education  
350 program to inform the public about the purpose of the collection  
351 program and how to participate in it; (2) a targeted capture rate for the  
352 mercury-added product or component; (3) a plan for implementing  
353 and financing the collection system; (4) documentation of the  
354 willingness of all parties to the system to implement the proposed  
355 collection system; (5) a description of the performance measures to be  
356 utilized and reported by the manufacturer to demonstrate that the  
357 collection system is meeting capture rate targets; (6) a description of  
358 additional or alternative actions that will be implemented to improve  
359 the collection system and its operation in the event that the program  
360 targets are not met; and (7) a recycling or disposal plan.

361 (c) Not later than July 1, 2004, and biennially thereafter, the  
362 manufacturer or entity that submitted the plan on behalf of the  
363 manufacturer shall submit a report to the commissioner and to the  
364 regional, multi-state clearinghouse described in section 3 of this act on  
365 the effectiveness of the collection system. The report shall include an  
366 estimate of the amount of mercury that was collected, the capture rate  
367 for the mercury-added products or components, the results of the  
368 other performance measures included in the manufacturer's collection  
369 system plan, and such other information as the commissioner may  
370 require. The commissioner shall make such reports available to the

371 public.

372 (d) The cost for the collection system shall not be borne by state or  
373 local government.

374 (e) The commissioner shall review any impediments identified  
375 pursuant to subdivision (7) of subsection (b) of this section and the  
376 regulations adopted under title 22a of the general statutes governing  
377 handling of waste from mercury-added products and, if necessary,  
378 may amend regulations as appropriate to facilitate collection.

379 (f) The following are exempt from the provisions of this section: (1)  
380 Formulated mercury-added products intended to be consumed in use,  
381 including, but not limited to, reagents, cosmetics, pharmaceuticals and  
382 other laboratory chemicals; (2) fabricated mercury-containing products  
383 where the only mercury is contained in a component that cannot  
384 feasibly be removed by the purchaser including, but not limited to,  
385 electronic products whose only mercury-added component is a  
386 mercury-containing lamp used for backlighting provided such  
387 manufacturer or trade association maintains a web-based service to  
388 provide information on recycling and safe disposal of such products;  
389 (3) photographic film and paper; and (4) any other product for which  
390 the commissioner determines a collection plan is not feasible.

391 Sec. 10. (NEW) (*Effective July 1, 2002*) Except as provided in section  
392 11 of this act, no person shall offer for sale or use by any means,  
393 including e-commerce, distribute for promotional purposes or provide  
394 elemental mercury without providing a Material Safety Data Sheet, as  
395 defined in 42 USC 11049. On and after July 1, 2003, the seller,  
396 distributor or provider shall require the purchaser or recipient at the  
397 time of receipt of any elemental mercury to sign a statement that the  
398 purchaser or recipient (1) will use the mercury only for medical,  
399 research or manufacturing purposes; (2) understands that mercury is  
400 toxic and that the purchaser will store, use and otherwise handle  
401 exposure to such mercury in accordance with state and federal law;  
402 and (3) will dispose of the elemental mercury in accordance with state

403 and federal law.

404 Sec. 11. (NEW) (*Effective July 1, 2002*) No dental practitioner shall  
405 use, store or otherwise handle elemental mercury without providing a  
406 Material Safety Data Sheet, as defined in 42 USC 11049. On and after  
407 July 1, 2003, such dental practitioner (1) will use the mercury only for  
408 dental purposes; (2) will store, use and otherwise handle exposure to  
409 such mercury in accordance with the accepted guidelines of the  
410 American Dental Association, state and federal law and any applicable  
411 best management practices adopted by the state; and (3) will dispose  
412 of the elemental mercury in accordance with state and federal law.

413 Sec. 12. (NEW) (*Effective July 1, 2002*) Mercury-added products with  
414 a code or date of manufacture indicating they were manufactured  
415 prior to July 1, 2002, or mercury-added products for which the  
416 manufacturer provides documentation that the product was  
417 manufactured prior to July 1, 2002, shall be exempt from sections 4, 6, 8  
418 and 9 of this act, except that motor vehicles with a code or date of  
419 manufacture prior to October 1, 2002, or motor vehicles for which the  
420 manufacturer provides documentation that the product was  
421 manufactured prior to October 1, 2002, shall be exempt from such  
422 sections.

423 Sec. 13. (NEW) (*Effective July 1, 2002*) (a) The commissioner, in  
424 consultation with other state agencies, may implement a  
425 comprehensive program for public education, outreach and assistance  
426 for manufacturers, households, waste generators, local and regional  
427 solid waste management agencies, businesses, health care facilities,  
428 scrap metal processors, recyclers, dismantlers, institutions, schools and  
429 other interested groups. Such program may focus on the hazards of  
430 mercury; the requirements and obligations of individuals,  
431 manufacturers and agencies under sections 1 to 12, inclusive, of this act  
432 and voluntary efforts that individuals, institutions and businesses can  
433 undertake to help further reduce mercury in the environment. The  
434 commissioner, in conjunction with manufacturers of mercury-added  
435 products and other affected businesses, may promote the development

436 and implementation of such public education and technical assistance  
437 programs.

438 (b) The commissioner may cooperate with other states and  
439 provinces and regional organizations in developing public education,  
440 outreach and assistance programs.

441 (c) The commissioner may develop an awards program to recognize  
442 the accomplishments of those persons who exceed the minimum  
443 requirements of sections 4 to 12, inclusive, of this act, and who excel at  
444 reducing or eliminating mercury in air emissions or releases.

445 Sec. 14. (NEW) (*Effective July 1, 2002*) The provisions of this act shall  
446 not apply to pharmaceuticals, pharmaceutical products, biological  
447 products or any substance that may be lawfully sold over the counter  
448 without a prescription under the federal Food, Drug and Cosmetics  
449 Act, 21 USC 301 et seq. For purposes of this section, "Biological  
450 product" means a virus, therapeutic serum, toxin, antitoxin, vaccine,  
451 blood, blood component or derivative, allergenic product or an  
452 analogous product, or arsphenamine a derivative of arsphenamine or  
453 any other trivalent organic arsenic compound used for the prevention,  
454 treatment or cure of a disease or condition of human beings."

|  |                     |
|--|---------------------|
| This act shall take effect as follows: |                     |
| Section 1                              | <i>July 1, 2002</i> |
| Sec. 2                                 | <i>July 1, 2002</i> |
| Sec. 3                                 | <i>July 1, 2002</i> |
| Sec. 4                                 | <i>July 1, 2002</i> |
| Sec. 5                                 | <i>July 1, 2002</i> |
| Sec. 6                                 | <i>July 1, 2002</i> |
| Sec. 7                                 | <i>July 1, 2002</i> |
| Sec. 8                                 | <i>July 1, 2002</i> |
| Sec. 9                                 | <i>July 1, 2002</i> |
| Sec. 10                                | <i>July 1, 2002</i> |
| Sec. 11                                | <i>July 1, 2002</i> |
| Sec. 12                                | <i>July 1, 2002</i> |
| Sec. 13                                | <i>July 1, 2002</i> |

|         |                     |
|---------|---------------------|
| Sec. 14 | <i>July 1, 2002</i> |
|---------|---------------------|