

## **IC 13-20-17.5**

### Chapter 17.5. Mercury and Mercury Products

#### **IC 13-20-17.5-1**

##### **Applicability of chapter**

Sec. 1. This chapter does not apply to antiques.

*As added by P.L.225-2001, SEC.15.*

#### **IC 13-20-17.5-2**

##### **Prohibition of sale or distribution of mercury-added novelty**

Sec. 2. (a) This section does not apply to a mercury-added novelty if:

(1) the novelty uses a mercury-added button cell battery to function; and

(2) the only mercury contained in the novelty is found in the mercury-added button cell battery.

(b) After July 1, 2003, a mercury-added novelty may not be:

(1) offered for final sale; or

(2) distributed for promotional purposes;

in Indiana if the offerer or distributor knows or has reason to know that the novelty contains mercury.

*As added by P.L.225-2001, SEC.15.*

#### **IC 13-20-17.5-3**

##### **Mercury thermometers**

Sec. 3. (a) This section does not apply to a mercury thermometer or to a thermometer if:

(1) the thermometer uses a mercury-added button cell battery; and

(2) the only mercury contained in the thermometer is found in the mercury-added button cell battery.

(b) Except as provided in subsection (c), after July 1, 2003, a person may sell or supply a mercury fever thermometer to an individual only if:

(1) the person is a pharmacist or a pharmacist's assistant working at a pharmacy; and

(2) the thermometers are stored in such a manner that the pharmacist or the pharmacist's assistant must obtain the thermometer for the individual.

(c) A licensed practitioner of medicine may sell or supply a mercury fever thermometer to an individual.

*As added by P.L.225-2001, SEC.15.*

#### **IC 13-20-17.5-4**

##### **Mercury in schools**

Sec. 4. After July 1, 2003, a public school or nonpublic school may not use or purchase for use in a primary or secondary classroom:

(1) a mercury commodity;

(2) mercury compounds; or

(3) mercury-added instructional equipment and materials;

except measuring devices and thermometers for which no adequate substitute exists for use in laboratories.

*As added by P.L.225-2001, SEC.15.*

#### **IC 13-20-17.5-5**

##### **Restrictions on sale of mercury commodities**

Sec. 5. After July 1, 2003, a person may sell or provide a mercury commodity to another person in this state (other than for collection for recycling) only if:

(1) the person selling or providing the mercury commodity provides a material safety data sheet with the mercury commodity; and

(2) the person selling or providing the mercury commodity requires the purchaser or recipient to sign a statement with respect to the mercury in the mercury commodity that the purchaser or recipient:

(A) will use the mercury only:

- (i) for medical purposes;
- (ii) in dental amalgam dispose-caps;
- (iii) for training;
- (iv) for research; or
- (v) for manufacturing purposes;

(B) understands that mercury is toxic;

(C) will store and use the mercury appropriately so that no individual is exposed to the mercury under normal conditions of use; and

(D) will not intentionally:

- (i) place or cause to be placed; or
- (ii) allow anyone under the control of the purchaser or recipient to place or cause to be placed;

the mercury commodity in solid waste for disposal, in a sewage disposal system, or in a wastewater treatment plant.

*As added by P.L.225-2001, SEC.15. Amended by P.L.159-2011, SEC.31.*

#### **IC 13-20-17.5-6**

##### **Public education programs**

Sec. 6. (a) The department, and districts in cooperation and with the support of the department, shall implement education programs to provide information to the public concerning:

(1) the reuse and recycling of mercury in:

- (A) mercury commodities; and
- (B) mercury-added products; and

(2) collection programs available to the public for:

- (A) mercury commodities; and
- (B) mercury-added products.

(b) Units, in cooperation and with the support of the department, may implement education programs to provide information to the public concerning:

(1) the reuse and recycling of mercury in:

- (A) mercury commodities; and
- (B) mercury-added products; and
- (2) collection programs available to the public for:
  - (A) mercury commodities; and
  - (B) mercury-added products.

*As added by P.L.225-2001, SEC.15.*

**IC 13-20-17.5-7**

**Mercury collection programs**

Sec. 7. (a) Districts shall implement mercury collection programs for the public and small businesses.

(b) Units may implement mercury collection programs for the public and small businesses.

*As added by P.L.225-2001, SEC.15.*