

**2016 -- S 2095 SUBSTITUTE A**

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LC003651/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2016**

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A N A C T

RELATING TO HEALTH AND SAFETY - MERCURY REDUCTION AND EDUCATION  
ACT

Introduced By: Senators Ruggerio, Goodwin, Conley, P Fogarty, and Pearson

Date Introduced: January 21, 2016

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 23-24.9-2, 23-24.9-3, 23-24.9-9, 23-24.9-10, 23-24.9-10.2, 23-  
2   24.9-15 and 23-24.9-20 of the General Laws in Chapter 23-24.9 entitled "Mercury Reduction and  
3   Education Act" are hereby amended to read as follows:

4           **23-24.9-2. Findings.** -- The general assembly has found and hereby declares that:

5           (1) Mercury is a persistent and toxic pollutant that bioaccumulates in the environment;

6           (2) Mercury deposition has proven to be a significant problem in the northeastern United  
7   States;

8           (3) Consumption of mercury-contaminated freshwater fish poses a significant public  
9   health threat to the residents of Rhode Island;

10          (4) In order to address these real threats to public health and the environment, the state  
11   has been and should continue to actively cooperate with other states in the region to help  
12   minimize harm resulting from mercury in food, soil, air and water;

13          (5) According to a 2004 study by the U.S. environmental protection agency titled  
14   "International mercury market study and the role and impact of U.S. environmental policy," more  
15   than ten percent (10%) of the estimated mercury reservoir in the United States is in thermostats;

16          (6) In 1998, thermostat manufacturers, General Electric, Honeywell, and White Rodgers  
17   established the thermostat recycling corporation "(TRC)", a non-profit corporation to facilitate  
18   recycling of mercury thermostats nationwide. The TRC originally operated solely through

1 wholesalers but has since expanded to enable collection by contractors, household hazardous  
2 waste facilities, and retailers. The TRC is a voluntary program in all states, but several states  
3 require wholesalers to act as collection points for waste mercury thermostats. Participation in the  
4 TRC is likely the simplest, least-cost means of complying-;

5 (7) The manufacturers of mercury-containing thermostats, with the cooperation of the  
6 department, should be encouraged to submit a single unified plan for the collection of mercury-  
7 containing thermostats, the cost of which should be appropriately apportioned between  
8 participating manufacturer; ~~and~~

9 (8) The manufacturers of mercury-containing lamps, with the cooperation of the  
10 corporation in collaboration with the department, should be encouraged to submit a single unified  
11 plan for the collection of mercury-containing lamps, the cost of which should be appropriately  
12 apportioned between participating manufacturers; and

13 ~~(8)~~(9) The intent of this chapter is to achieve significant reductions in environmental  
14 mercury by encouraging the establishment of effective waste reduction, recycling, management  
15 and education programs.

16 **23-24.9-3. Definitions.** -- For the purpose of this chapter:

17 (1) "Component" means a mercury-added product which is incorporated into another  
18 product to form a fabricated mercury-added product, including, but not limited to, electrical  
19 switches and lamps.

20 (2) "Corporation" means the Rhode Island resource recovery corporation created and  
21 established pursuant to chapter 19 of title 23.

22 (3) "Covered entity" means any person who presents to a collection facility that is  
23 included in an approved plan:

24 (i) Any number of compact fluorescent mercury-containing lamps; or

25 (ii) Ten (10) or fewer mercury-containing lamps that are not compact fluorescent lamps  
26 and are not from a large use application.

27 ~~(2)~~(4) "Department" means the department of environmental management.

28 ~~(3)~~(5) "Director" means the director of the department of environmental management or  
29 any subordinate or subordinates to whom the director has delegated the powers and duties vested  
30 in him or her by this chapter.

31 ~~(4)~~(6) "Fabricated mercury-added product" means a product that consists of a  
32 combination of individual components that combine to make a single unit, including, but not  
33 limited to, mercury-added measuring devices, lamps and switches to which mercury or a mercury  
34 compound is intentionally added in order to provide a specific characteristic, appearance, or

1 quality, or to perform a specific function or for any other reason.

2 ~~(5)~~(7) "Formulated mercury-added product" means a product that includes, but is not  
3 limited to, laboratory chemicals, cleaning products, cosmetics, pharmaceuticals and coating  
4 materials that are sold as a consistent mixture of chemicals to which mercury or a mercury  
5 compound is intentionally added in order to provide a specific characteristic, appearance, or  
6 quality, or to perform a specific function or for any other reason.

7 ~~(6)~~(8) "Healthcare facility" means any hospital, nursing home, extended care facility,  
8 long-term care facility, clinical or medical laboratory, state or private health or mental institution,  
9 clinic, physician's office or health maintenance organization.

10 ~~(7)~~(9) "Manufacturer" means any person, firm, association, partnership, corporation,  
11 governmental entity, organization, combination or joint venture that produces a mercury-added  
12 product or an importer or domestic distributor of a mercury-added product produced in a foreign  
13 country. In the case of a multi-component mercury-added product, the manufacturer is the last  
14 manufacturer to produce or assemble the product. If the multi-component product is produced in  
15 a foreign country, the manufacturer is the importer or domestic distributor. In the case of  
16 mercury-containing thermostats, the manufacturer is the original equipment manufacturer who  
17 sells or sold a mercury-containing thermostat under a brand or label it owns, or is or was licensed  
18 to use a mercury-containing thermostat produced by other suppliers.

19 (10) In the case of mercury-containing lamps, the manufacturer is a person who:

20 (i) Manufactures or manufactured a mercury-containing lamp under its own brand or  
21 label for sale in the state;

22 (ii) Sells in the state under its own brand or label a mercury-containing lamp produced by  
23 another supplier;

24 (iii) Owns a brand that it licenses, or licensed to another person for use on a mercury-  
25 containing lamp sold in the state;

26 (iv) Imports into the United States for sale in the state a mercury-containing lamp  
27 manufactured by a person without a presence in the United States;

28 (v) Manufactures a mercury-containing lamp for sale in the state without affixing a brand  
29 name; or

30 (vi) Assumes the responsibilities, obligation, and liabilities of a manufacturer as defined  
31 under paragraphs (i) through (v) of this subsection.

32 (11) "Mercury-containing lamp" means a general purpose lamp to which mercury is  
33 intentionally added during the manufacturing process. "Mercury-containing lamp" does not mean  
34 a lamp used for medical, disinfection, treatment or industrial purposes.

1           ~~(8)~~(12) "Mercury-added button cell battery" means a button cell battery to which the  
2 manufacturer intentionally introduces mercury for the operation of the battery.

3           ~~(9)~~(13) "Mercury-added novelty" means a mercury-added product intended mainly for  
4 personal or household enjoyment or adornment. Mercury-added novelties include, but are not  
5 limited to, items intended for use as figurines, adornments, toys, games, cards, ornaments, yard  
6 statues and figures, candles, jewelry, holiday decorations, items of apparel (including footwear),  
7 or similar products.

8           ~~(10)~~(14) "Mercury-added product" means a product, commodity, chemical or a product  
9 with a component that contains mercury or a mercury compound intentionally added to the  
10 product, commodity, chemical or component in order to provide a specific characteristic,  
11 appearance, or quality, or to perform a specific function or for any other reason. These products  
12 include formulated mercury-added products and fabricated mercury-added products.

13           ~~(11)~~(15) "Mercury fever thermometer" means a mercury-added product that is used for  
14 measuring body temperature.

15           ~~(12)~~(16) "Mercury-containing thermostat" means a product or device that uses a mercury  
16 switch to sense and control room temperature through communication with heating, ventilating,  
17 or air-conditions equipment. "Mercury-containing thermostat" includes thermostats used to sense  
18 and control room temperature in residential, commercial, industrial, and other buildings, but does  
19 not include a thermostat used to sense and control temperature as part of a manufacturing process.

20           ~~(13)~~(17) "Person" means an individual, trust, firm, joint stock company, corporation  
21 (including a government corporation), partnership, association, the federal government or any  
22 agency or subdivision thereof, a state, municipality, commission, political subdivision of a state,  
23 or any interstate body.

24           ~~(14)~~(18) "Thermostat retailer" means a person who sells thermostats of any kind directly  
25 to homeowners or other nonprofessionals through any selling or distribution mechanism,  
26 including, but not limited to, sales using the internet or catalogues. A retailer may also be a  
27 wholesaler if it meets the definition of wholesaler.

28           ~~(15)~~(19) "Thermostat wholesaler" means a person that is engaged in the distribution and  
29 wholesale sale of thermostats and other heating, ventilation, and air-conditioning components to  
30 contractors who install heating, ventilation, and air-conditioning components.

31           ~~(16)~~(20) "Contractor" means a person engaged in the business of installation, service, or  
32 removal of heating, ventilation, and air-conditioning components.

33           ~~(17)~~(21) "Qualified contractor" means a person engaged in the business of installation,  
34 service, or removal of heating, ventilation, and air-conditioning components who employs seven

1 (7) or more service technicians or installers or who is located in an area outside of an urban area,  
2 as defined by the United States bureau of the census.

3 ~~(18)~~(22) "Local government collections" means collections completed by household  
4 hazardous waste facilities, solid waste management agencies, environmental management  
5 agencies, or the department of health.

6 **23-24.9-9. Disposal ban.** -- (a) Except as otherwise provided for in this chapter, after  
7 July 1, 2006, no person shall dispose of mercury-added products in a manner other than by  
8 recycling or disposal as hazardous waste. Mercury from mercury-added products may not be  
9 discharged to water, wastewater treatment, and wastewater disposal systems except when it is  
10 done in compliance with local, state, and federal applicable requirements.

11 (b) If a formulated mercury-added product is a cosmetic or pharmaceutical product  
12 subject to the regulatory requirements relating to mercury of the federal Food and Drug  
13 Administration, then the product is exempt from the requirements of this section.

14 (c) This section shall not apply to: (1) anyone who disposes of a mercury-added button  
15 cell battery; or (2) mercury-added components as contained in motor vehicles except as provided  
16 in subdivision 23-24.9-10(b)(2) and in accordance with such regulations as may be adopted by  
17 the department in order to achieve the purposes of subdivision 23-24.9-10(b)(2); ~~and (3)~~  
18 ~~households disposing of lamps and products containing lamps.~~

19 (d) The restrictions on the disposal of mercury-added components in motor vehicles shall  
20 be as set forth in subsection (a) of this section effective January 1, 2006, and shall be  
21 implemented as provided for in subdivision (c)(2) of this section and subdivision 23-24.9-  
22 10(b)(2).

23 (e) The restrictions on amalgam waste recycling and disposal shall be implemented as  
24 provided for in § 23-24.9-9.3.

25 (f) Any contractor who replaces a mercury-containing thermostat from a building shall  
26 recycle the thermostat using its own collection container provided by thermostat manufacturers,  
27 or deliver the mercury-containing thermostat to an appropriate wholesaler, retailer or local  
28 government collection for recycling.

29 (g) Any contractor who demolishes a building shall remove any mercury-containing  
30 thermostats from the building prior to demolition and shall deliver the mercury-containing  
31 thermostats to an appropriate wholesaler, retailer or collection location for recycling.

32 (h) Any person who replaces a mercury-containing thermostat from any location in the  
33 state that is participating in an energy efficiency and/or weatherization program supported or  
34 administered in whole or in part by any department, agency, instrumentality, or political

1 subdivision of the state or conducted as a result of any statutory requirement, including but not  
2 limited to, demand-side management pursuant to, [household hazardous waste drop-off event](#) §  
3 39-2-1.2, or least-cost procurement pursuant to § 39-1-27.7, shall deliver the mercury-containing  
4 thermostats to an appropriate wholesaler, retailer or collection location for recycling.

5 [\(i\) After January 1, 2019, the ban will apply to disposal of mercury-containing lamps.](#)

6 **23-24.9-10. Collection of mercury-added products.** -- (a) After January 1, 2006, no  
7 mercury-added product shall be offered for final sale or use or distribution for promotional  
8 purposes in Rhode Island unless the manufacturer, either on its own or in concert with other  
9 persons, has implemented a system, after review and approval of the [corporation in collaboration](#)  
10 [with the](#) director, for the convenient and accessible collection of such products when the  
11 consumer is finished with them. ~~Where a mercury added product is a component of another~~  
12 ~~product, the collection system must provide for removal and collection of the mercury added~~  
13 ~~component or collection of both the mercury added component and the product containing it.~~  
14 Mercury-added components in motor vehicles shall be collected and recycled as provided for in  
15 subdivision (b)(2) of this section. Mercury-containing thermostats shall be collected and recycled  
16 as provided for in § 23-24.9-10.2. [Mercury-containing lamps from covered entities shall be](#)  
17 [collected and recycled as provided for in subsection \(b\)\(4\) of this section.](#)

18 (b) (1) This section shall not apply to the collection of mercury-added button cell  
19 batteries ~~or mercury added lamps~~ or products where the only mercury contained in the product  
20 comes from a mercury-added button cell battery ~~or a mercury added lamp~~; and

21 (2) Mercury-added components in motor vehicles at end-of-life shall be collected and  
22 recycled as provided in this subsection. Significant, willful failure to comply with rules and/or  
23 regulations to implement the provisions of this section shall constitute, as may be determined by  
24 the department, a violation of the ban established in § 23-24.9-9. No scrap recycling facility or  
25 other person that receives a flattened, crushed or baled end-of-life vehicle shall be deemed to be  
26 in violation of subdivision 23-24.9-10(b)(2) and rules and regulations pursuant thereto or § 23-  
27 24.9-9 if a mercury switch is found in the vehicle after its acquisition.

28 For the purposes of subdivision 23-24.9-10(b)(2) the following terms shall have the  
29 following meanings: (i) "Capture rate" means the annual removal, collection, and recovery of  
30 mercury switches, as a percentage of the total number of mercury switches available for removal  
31 from end-of-life vehicles as determined by the department of environmental management.  
32 Capture rate shall not include mercury switches that are inaccessible due to significant damage to  
33 the motor vehicle in the area where the mercury switch is located; (ii) "Mercury added  
34 component" or "Mercury switch" means a mercury-added convenience light switch assembly or

1 capsule from an end-of-life motor vehicle; (iii) "Scrap recycling facility" means a fixed location  
2 where machinery and equipment are utilized for processing and manufacturing scrap metal into  
3 prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic  
4 scrap for sale for remelting purposes; and (iv) "Vehicle recycler" means an individual or entity  
5 licensed under the provisions of § 42-14.2-3 that engages in the business of acquiring,  
6 dismantling, parts recycling from, or destroying six (6) or more end-of-life vehicles in a calendar  
7 year.

8 (A) Manufacturers of motor vehicles sold in Rhode Island that contain mercury switches  
9 shall, individually or collectively, establish and implement a collection program for mercury  
10 switches to achieve a capture rate of not less than fifty percent (50%) for calendar year 2006, and  
11 not less than seventy percent (70%) for calendar year 2007 and each calendar year thereafter  
12 through calendar year 2017.

13 (B) The department shall develop, issue, administer and enforce regulation compelling  
14 the manufacturers of motor vehicles sold in Rhode Island that contain mercury switches to  
15 undertake a collection program as set forth in this subparagraph, 23-24.9-10(b)(2)(B). The  
16 department shall determine that the capture rate in each year of the program and shall assess  
17 whether any failure to achieve the capture rate was the result of a force-majeure. The department  
18 shall report publicly on or before March 31, each year its findings with regard to the capture rate  
19 during the prior year. The manufacturer or manufacturers shall pay the total cost of the removal,  
20 replacement, collection and recovery system for mercury switches, under this subparagraph, 23-  
21 24.9-10(b)(2)(B), to the vehicle recycler or scrap recycling facility that removed the switch. The  
22 total cost shall include, but not be limited to a minimum of five dollars (\$5.00) for each mercury  
23 switch removed by a vehicle recycler or by a scrap recycling facility, as partial compensation for  
24 the labor and other costs incurred in the removal of the mercury switch.

25 (3) The provisions of subdivision 23-24.9-10(b)(2) shall satisfy collection programs and  
26 disposal requirements for mercury switches for all motor vehicles sold in the state.

27 (4) Effective January 1, 2018, manufacturers of mercury-containing lamps sold in Rhode  
28 Island shall, individually or collectively, establish and implement a statewide collection program,  
29 approved by the corporation in collaboration with the department, for the recycling of mercury-  
30 containing lamps from covered entities.

31 (i) The recycling program required under this subsection must include:

32 (A) Convenient collection locations located throughout the state where mercury-  
33 containing lamps from covered entities can be dropped off without cost, including, but not limited  
34 to, municipal collection sites and participating retail establishments;

1 (B) Handling and recycling equipment and practices in compliance with the universal  
2 waste rules; and

3 (C) Effective education and outreach, including, but not limited to, point-of-purchase  
4 signs and other materials provided to retail establishments without costs.

5 (ii) A manufacturer required to implement a statewide collection program under this  
6 subsection shall submit its proposed recycling program for review and approval by the  
7 corporation in collaboration with the department. The corporation shall solicit public comment on  
8 the proposed program before approving or denying the program.

9 (iii) Beginning April 1, 2018, a manufacturer not in compliance with this section is  
10 prohibited from offering any mercury-containing lamp for final sale in the state or distributing  
11 any mercury-containing lamp in the state. A manufacturer not in compliance with this section  
12 shall provide support to retailers to ensure the manufacturer's mercury-containing lamps are not  
13 offered for sale, sold at final sale or distributed in the state.

14 (iv) Beginning April 1, 2018, a retailer may not offer for final sale a mercury-containing  
15 lamp produced by a manufacturer not in compliance with this section.

16 (v) Beginning in 2019, and biennially thereafter, the corporation shall report to the  
17 general assembly on any modifications to the manufacturer recycling programs it intends to make  
18 to improve mercury-containing lamp recycling rates and any recommendations for statutory  
19 changes needed to facilitate mercury-containing lamp collection and recycling.

20 (vi) Manufacturers of mercury-containing lamps sold in Rhode Island shall individually  
21 or collectively enter into an agreement with the corporation to reimburse for reasonable costs  
22 directly related to administering the program but not to exceed the cost of one full-time  
23 equivalent employee.

24 **23-24.9-10.2. Mercury-containing thermostats.** -- (a) Manufacturer responsibility. -  
25 Each thermostat manufacturer that has offered for final sale, sold at final sale, or has distributed  
26 mercury-containing thermostats in Rhode Island shall, individually or collectively:

27 (1) No later than November 1, 2010, submit a detailed description of a collection  
28 program for mercury thermostats that meets the requirements of this section to the department.  
29 The department shall have thirty (30) days from the date of submittal to review and provide  
30 comment on the program. The final program description shall be submitted to the department no  
31 later than December 31, 2010.

32 (2) On or after January 1, 2011, make collection containers available to all qualified  
33 contractors, thermostat wholesalers, thermostat retailers, and local government collections in this  
34 state that request a container. Each thermostat manufacturer shall with each container include



1 information regarding the proper management of mercury containing thermostats as universal  
2 waste in accordance with the collection program and the department's rules.

3 (3) Establish a system to collect, transport, and properly manage out-of-service mercury  
4 thermostats from all collection sites established under this section.

5 (4) Not include any fees or other charges to persons participating in the program, except  
6 that each thermostat wholesaler, qualified contractor, local government collection, or thermostat  
7 retailer that is provided with one or more collection containers may be charged a one-time  
8 program administration fee not to exceed seventy-five dollars (\$75.00) per collection container.

9 (5) From January 1, 2011, through December 31, 2014 conduct education and outreach  
10 efforts including, but not limited to: (i) Promoting the availability of collection containers to  
11 qualified contractors, wholesalers, thermostat retailers, and units of local government in this state:  
12 (ii) Educating contractors, homeowners and other interested persons on the importance of  
13 properly managing out-of-service mercury thermostats and opportunities for the collection of  
14 those thermostats and the availability of manufacturer supported program(s); (iii) Providing  
15 signage to participating collection locations that can be prominently displayed to promote the  
16 collection and recycling of out-of-service mercury thermostats to contractors and consumers; and  
17 (iv) Written materials or templates of materials for reproduction by participating wholesalers and  
18 thermostat retailers to be provided to customers at the time of purchase or delivery of a  
19 thermostat. These materials shall include, but not limited to, information on the importance of  
20 properly managing out-of-service mercury thermostats and opportunities for the collection of  
21 those thermostats.

22 (6) For calendar year 2011, collect at least two thousand (2000) mercury thermostats  
23 taken out-of-service in the state during the calendar year. For calendar year 2012, the goal shall  
24 be to collect at least two thousand two hundred fifty (2,250) mercury thermostats. For calendar  
25 year 2013 and 2014, the goal shall be to collect at least two thousand five hundred (2,500)  
26 mercury thermostats taken out-of-service in the state during each calendar year.

27 (7) Beginning in 2012, submit an annual report to the department by March 1, of each  
28 year that includes, at a minimum, all of the following:

29 (i) The number of mercury-containing thermostats collected and recycled by that  
30 manufacturer pursuant to this section during the previous calendar year;

31 (ii) The estimated total amount of mercury contained in the thermostat components  
32 collected by that manufacturer pursuant to this section in the previous calendar year;

33 (iii) An elevation of the effectiveness of the manufacturer's collection program;

34 (iv) An accounting of the administrative costs incurred in the course of administering the

1 collection and recycling program; and

2 (v) A list of locations that participate as collection sites.

3 (b) Department responsibilities.

4 (1) Collection points. - The department shall maintain and post on their website a list of  
5 units of local government, thermostat retailers and any other locations that are collection points  
6 for mercury thermostats.

7 (2) Education outreach. - In conjunction with the educational and outreach programs  
8 implemented by manufacturers, the department shall conduct an education and outreach program  
9 directed toward wholesalers, retailers, contractors, and homeowners to promote the collection of  
10 out-of-service mercury-containing thermostats.

11 (3) Rate of collection. - For calendar year ~~2015 through 2020~~ 2018 and every year  
12 thereafter that the program is in place, the collection goals shall be established by the department  
13 by regulation. The department shall establish collection goals no later than November 1, ~~2014~~  
14 2017. In developing collection goals, the department shall take into account, at a minimum: (i)  
15 The effectiveness of collection programs for out-of-service mercury thermostats in the state and  
16 other states; (ii) Collection requirements in other states; (iii) Any reports or studies on the number  
17 of out-of-service mercury thermostats that are available for collection in this state, other states,  
18 and nationally; ~~and~~ (iv) Department estimates of mercury-added thermostats that become waste  
19 annually based on Rhode Island data that is verified by a statistically valid sampling of Rhode  
20 Island residential properties and businesses; and (v) Other factors. Prior to establishing the  
21 collection goals, the department shall consult with stakeholder groups that include, at minimum,  
22 representatives of thermostat manufacturers, environmental groups, thermostat wholesalers,  
23 contractors, and thermostat retailers.

24 (4) Modifications to collection programs. - Modifications required by the department  
25 may include, but not be limited to, improvements to outreach and education conducted under the  
26 collection program, expansion of the number of collections sites established under the program,  
27 and modification of the roles of participants. Modifications that may include a five dollar (\$5)  
28 incentive in the form of either cash or a coupon offered by the manufacturer to contractors and  
29 consumers for each out-of-service mercury thermostat returned to a collection site may not be  
30 considered prior to January 1, 2014. In the event that the department determines that a program  
31 shall be modified, the department shall consult with thermostat manufacturers, thermostat  
32 wholesalers, thermostat retailers, service contractors, environmental groups and municipalities to  
33 develop the revisions to the program. If the program is modified to include a financial incentive,  
34 the department may exempt local government collections from the financial incentive provision.

1 Any modifications made to the collection program shall be subject to the provisions of chapter  
2 42-35, ("The Administrative Procedures Act").

3 **23-24.9-15. State procurement preferences for low or nonmercury-added products. -**

4 -(a) Notwithstanding other policies and guidelines for the procurement of equipment, supplies,  
5 and other products, the Rhode Island department of administration shall by January 1, 2003,  
6 revise its policies, rules and procedures to implement the purposes of this chapter.

7 (b) The Rhode Island department of administration shall give priority and preference to  
8 the purchase of equipment, supplies, and other products that do not contain mercury-added  
9 compounds or components, unless there is no economically feasible nonmercury-added  
10 alternative that performs a similar function. In circumstances where a nonmercury-added product  
11 is not available, preference shall be given to the purchase of products that contain the least  
12 amount of mercury-added to the product necessary for the required performance.

13 (c) State dental insurance contracts negotiated after January 1, 2003, shall provide  
14 coverage for non-mercury fillings at no additional expense to the state employee.

15 (d) Mercury-containing lamp purchasing. When making purchasing decisions on  
16 mercury-containing lamps, the Rhode Island department of administration shall request  
17 information on mercury content, energy use, lumen output and lamp life from potential suppliers  
18 and shall issue specifications and make purchasing decisions that favor models at comparable  
19 cost with high energy efficiency, lower mercury content and longer lamp life. Information  
20 obtained on mercury content, energy use and lamp life must be made available by the Rhode  
21 Island department of administration to other purchasers who purchase a large number of mercury-  
22 containing lamps. This information must also be posted on the state's publicly accessible website.

23 (e) Extra consideration shall be given to those vendors who provide substitute  
24 information on non-mercury lamps like light-emitting diode (LED) that have the same price,  
25 specifications, lumen output and lamp life of what is being sought in the bid abstract.

26 **23-24.9-20. Regulations. --** The department shall promulgate rules and regulations **as**  
27 **may be necessary** to implement and carry out the provisions of this chapter.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HEALTH AND SAFETY - MERCURY REDUCTION AND EDUCATION  
ACT

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- 1           This act would require manufacturers of mercury-containing lamps to establish and
- 2   implement a statewide collection for the recycling of mercury-containing lamps.
- 3           This act would take effect upon passage.

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