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Int. No. 946

By Council Members Koslowitz, Malave-Dilan, Espada and Nelson (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to banning the sale of clinical mercury thermometers.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that clinical mercury thermometers that depend on the thermal expansion property of mercury, a highly toxic substance, to measure body temperature pose significant risks to human and environmental health. The risks posed by these thermometers are great because when the glass enclosing the mercury breaks, the mercury may be absorbed internally or externally by the body and cause serious injury or contamination of the surrounding environment. The Council further finds that there are adequate thermometer alternatives available that do not depend on the thermal expansion property of mercury to measure human body temperature. The alternative temperature

measuring devices that are available include disposable color change thermometers that use heat sensitive chemicals that respond to body heat by producing a stable color change in such chemicals, and electronic thermometers that measure temperature by means of a transducer that is coupled with an electronic signal amplification, conditioning and display unit. Since viable alternatives to clinical mercury thermometers are available, and the risk of mercury contamination posed by their use is no longer acceptable and can be reduced and eventually eliminated by banning the sale of such thermometers, the Council finds that there is a compelling reason to ban the sale of such thermometers in the City of New York.

§2. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 11 to read as follows:

Subchapter 11

Gauges Utilizing Mercury

§20-696 Ban on sale of mercury thermometers; penalties. (a) Definition. "Clinical mercury thermometer" shall mean a device used to measure oral, rectal, or axillary body temperature by using the thermal expansion of mercury.

(b) It shall be unlawful for any person to distribute, sell or offer for sale any clinical mercury thermometer.

(c) Any person who violates this section shall be subject to civil penalty of not less than two-hundred-fifty dollars nor more than one thousand dollars for each violation.

(d) Authorized agents and employees of the department of consumer affairs, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of this section. A proceeding to recover any civil penalty pursuant to this section shall be commenced by service of notice of hearing that shall be returnable to the administrative tribunal of the department of consumer affairs. The administrative tribunal of the department of consumer affairs shall have the power to impose civil penalties for a violation of subdivision (b) of this section.

§3. This local law shall take effect 180 days after its enactment.

