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## SENATE BILL NO. 392

Senate Amendments in [ ] — February 4, 2002

*A BILL to amend and reenact § 32.1-241 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-241.1, relating to the sale of [ liquid ] mercury fever thermometers; penalty.*

Patron prior to Engrossment—Senator Whipple

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-241 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 32.1-241.1 as follows:**

**§ 32.1-241. Powers and duties of Board.**

**A. The Board shall:**

1. Advise the Governor, other state agencies, the federal government, and local governing bodies on matters pertaining to chemical exposures posing a threat to public health or the environment;

2. Collect from any source, necessary information concerning substances which are toxic in certain concentrations and under certain conditions;

3. Catalogue information on substances that are toxic so that the information can be retrieved quickly for use;

4. Institute proceedings in any appropriate court to compel the production of information concerning substances which are toxic;

5. Review and evaluate the information to be used in making a determination regarding toxicity of any substance and the concentrations and conditions under which the substance is toxic;

6. Disseminate information concerning toxic substances to other state agencies, political subdivisions of the Commonwealth, health professionals, the media, and the public by communicating the risk of chemical exposure through developing and disseminating documents, technical reports, information sheets, advisories, and press releases;

7. Investigate potential human health effects associated with environmental exposures through biomedical studies to address emergency and nonemergency site-specific problems;

8. Develop health risk assessments for specific chemical exposures via air, water, and food; coordinate assessments of such risks with other state agencies through the convening of assessment groups; and submit recommendations to prevent exposure of citizens to toxic substances, including, but not limited to, the closure of bodies of water and advisories relating to food consumption; and

9. Promulgate regulations to specify as necessary the details of the program.

**B. In addition to the responsibilities provided in subsection A, the Board shall enforce the ban on the sale of [ liquid ] mercury fever thermometers required by § 32.1-241.1.**

**§ 32.1-241.1. Sale of [ liquid ] mercury fever thermometers prohibited in the Commonwealth.**

*A. The General Assembly finds that (i) mercury has been identified as a potent neurotoxin, the exposure to which can cause irreversible brain damage to developing children, significant harm to pregnant women and their fetuses, and has caused reproductive and behavioral deficits in animals; (ii) a primary source of mercury in the environment has been shown to be the inappropriate disposal of broken [ liquid ] mercury fever thermometers; and (iii) through the use of digital fever thermometers, mercury exposure can be avoided. Therefore, in order to safeguard the welfare and health of the Commonwealth's citizens, the sale of [ liquid ] mercury fever thermometers is hereby prohibited in Virginia. Any person violating the provisions of this section shall be subject to the penalties set forth in § 32.1-27.*

**[ 2. That the Department of Health, in cooperation with the Department of Environmental Quality, shall provide information on the proper disposal of liquid mercury fever thermometers to local governments and other landfill operators for the purpose of informing the public about the proper disposal of liquid mercury fever thermometers. ]**

ENGROSSED

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