

MERCURY THERMOMETER ORDINANCE

CHAPTER 42

Section 1. Definitions

- A. Town means the Town of Freeport
- B. Mercury thermometer means a mercury-containing product that is used to measure body temperature. A mercury-containing product is a product, device, instrument or equipment into which elemental mercury or mercury compounds are intentionally added during its formulation or manufacture and in which the continued presence of mercury is desired to provide a specific characteristic or to permit a specific function.
- C. Health care facility means any hospital, nursing home, extended care facility, long-term facility, clinic or medical laboratory, state or private health or mental institution, clinic, physician's office or health maintenance organization.
- D. Manufacturer means any person, firm, association, partnership, corporation, governmental entity, organization, combination, or joint venture that produces a mercury fever thermometer. If the mercury thermometer is produced in a foreign country, the manufacturer is the importer if domestic distributor.

Section 2. Retail Sale Prohibited. A person shall not sell or supply (including online retail) mercury fever thermometers to consumers and patients, except by prescription. The manufacturers of mercury fever thermometers shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur with all mercury fever thermometers sold through prescriptions.

Section 3. Manufacturing Prohibited. It is unlawful for any person to manufacture a mercury thermometer in the Town.

Section 4. Importation Prohibited. It shall be unlawful for any facility to import, purchase, or distribute a mercury thermometer in the Town, **except in the case of medical necessity as determined by a licensed physician.**

Section 5. Restriction on the Sale of Mercury Thermometers. Thirty (30) days after the adoption of this ordinance, a person may not sell or supply mercury fever thermometers to consumers and patients.

Section 6. Penalty. Any person who violates this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 **per unit sold.**

