

6-905.1.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A MARKETER MAY NOT SELL OR PROVIDE A FEVER THERMOMETER CONTAINING MERCURY TO A CONSUMER EXCEPT BY PRESCRIPTION.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A FEVER THERMOMETER SOLD OR PROVIDED TO BE USED IN HOSPITALS OR OTHER PLACES WHERE MEDICAL SERVICES ARE PROVIDED BY MEDICAL SERVICE PROFESSIONALS; OR

(2) A DIGITAL THERMOMETER USING MERCURY-ADDED BUTTON CELL BATTERIES.

6-905.2.

(A) THIS SECTION DOES NOT APPLY TO:

(1) PRESCRIPTION DRUGS;

(2) ANY SUBSTANCE REGULATED BY THE FEDERAL FOOD, DRUG, AND COSMETIC ACT; ~~OR~~

(3) BIOLOGICAL PRODUCTS REGULATED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION UNDER THE FEDERAL PUBLIC HEALTH SERVICE ACT;

(4) MEDICAL EQUIPMENT NOT INTENDED FOR USE BY NONMEDICAL PERSONNEL; OR

(5) PRODUCTS THAT CONTAIN MERCURY-ADDED PRODUCTS THAT ARE LABELED IN ACCORDANCE WITH THIS SECTION.

(B) (1) ON OR AFTER APRIL 1, 2006, UNLESS THE PRODUCT IS LABELED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SECTION, A MANUFACTURER OR WHOLESALER MAY NOT SELL A MERCURY-ADDED PRODUCT:

(I) AT RETAIL IN THE STATE; OR

(II) TO A RETAILER IN THE STATE; ~~OR~~

~~(III) FOR USE IN THE STATE.~~

(2) ON OR AFTER APRIL 1, 2006, UNLESS THE PRODUCT IS LABELED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SECTION, A RETAILER MAY NOT KNOWINGLY SELL A NEW MERCURY-ADDED PRODUCT IN THE STATE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LABEL OF A MERCURY-ADDED PRODUCT MUST *SHALL* CLEARLY INFORM THE PURCHASER OR CONSUMER THAT:

~~(I)~~ (I) MERCURY IS PRESENT IN THE PRODUCT; AND