An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Presented by Representative BELL of Yarmouth.
Cosponsored by Representatives: BRIDGEO of Augusta, DOUDERA of Camden, GRAMLICH of Old Orchard Beach, SCHMERSAL-BURGESS of Mexico, WOODSOME of Waterboro.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1672, sub-§4-A is enacted to read:

4-A. Prohibition and exceptions. On or after January 1, 2024, a person may not offer for sale, sell or distribute as a new manufactured product a mercury-added lamp that is a compact fluorescent lamp with a screw or bayonet base type. On or after January 1, 2025, a person may not offer for sale, sell or distribute as a new manufactured product a mercury-added lamp that is a compact fluorescent lamp with a pin base type or that is a linear fluorescent lamp. This subsection does not apply to the following:

A. A mercury-added lamp that is designed and marketed exclusively for image capture and projection, including:

   (1) Photocopying;
   (2) Printing, directly or in preprocessing;
   (3) Lithography;
   (4) Film or video projection; and
   (5) Holography;

B. A mercury-added lamp that has a high proportion of ultraviolet light emission and that:

   (1) Has ultraviolet power greater than 2 milliwatts per kilolumen;
   (2) Is designed for germicidal use, including the destruction of deoxyribonucleic acid, or DNA, that emits a peak radiation of approximately 253.7 nanometers;
   (3) Is designed and marketed exclusively for disinfection or fly trapping and from which either the radiation power emitted between 250 and 315 nanometers represents at least 5% of or the radiation power emitted between 315 and 400 nanometers represents at least 20% of the total radiation power emitted between 250 and 800 nanometers;
   (4) Is designed and marketed exclusively for the generation of ozone, the primary purpose of which is to emit radiation at approximately 185.1 nanometers;
   (5) Is designed and marketed exclusively for coral zooxanthellae symbiosis and from which the radiation power emitted between 400 and 480 nanometers represents at least 40% of the total radiation power emitted between 250 and 800 nanometers; or
   (6) Is designed and marketed exclusively for use in a sunlamp product, as defined in 21 Code of Federal Regulations, Section 1040.20(b)(9) as in effect on January 1, 2024;

C. A mercury-added lamp designed and marketed exclusively for use in medical or veterinary diagnosis or treatment or in a medical device;
D. A mercury-added lamp designed and marketed exclusively for use in the manufacturing or quality control of pharmaceutical products;
E. A mercury-added lamp designed and marketed exclusively for spectroscopy and photometric applications, such as ultraviolet-visible spectroscopy, molecular
spectroscopy, atomic absorption spectroscopy, nondispersive infrared spectroscopy, Fourier transform infrared spectroscopy, medical analysis, ellipsometry, layer thickness measurement, process monitoring or environmental monitoring;

F. A mercury-added lamp designed and marketed exclusively for use by academic and research institutions for conducting research projects and experiments; or

G. A mercury-added lamp that is a compact fluorescent lamp and that is used to replace a lamp in a motor vehicle that was manufactured on or before January 1, 2020.

The department periodically may inspect distributors or retailers in order to determine compliance with the provisions of this subsection. The department shall investigate complaints received concerning violations of this subsection.

If the department finds that a person has committed a violation of this subsection, the department shall issue a warning to that person. A person who commits a violation of this subsection after receipt of a warning for the same violation is subject to a civil penalty, issued by the department, of up to $100 for each violation. A further violation committed by a person after a 2nd violation is subject to a civil penalty of not more than $500 for each violation. Each mercury-added lamp offered, sold or distributed in violation of this subsection constitutes a separate violation.

If the department finds repeated violations have occurred, the department shall report the violations to the Attorney General. The Attorney General may institute proceedings to seek an injunction in state court to enforce the provisions of this subsection.

The department may adopt rules as necessary to ensure the proper implementation and enforcement of the provisions of this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**SUMMARY**

This bill prohibits the sale or distribution of certain mercury-added lamps and provides for administrative and civil penalties for violating the prohibition.