

2023 -- H 5550 SUBSTITUTE A

LC000841/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HEALTH AND SAFETY -- MERCURY REDUCTION AND EDUCATION
ACT

Introduced By: Representatives Handy, Bennett, Edwards, Craven, McNamara, Morales,
Cortvriend, and Fogarty

Date Introduced: February 15, 2023

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Findings.

2 The general assembly finds that:

3 (1) Mercury is a persistent and toxic pollutant that bioaccumulates in the environment and
4 poses a serious threat to humans, particularly young children, and wildlife.

5 (2) Human exposure to mercury can result in nervous system, kidney, and liver damage
6 and impaired childhood development.

7 (3) All fluorescent lamps contain mercury and can create an immediate public health and
8 environmental hazard when they accidentally break during installation, use, transportation, storage,
9 recycling, or disposal.

10 (4) Light-emitting diode (LED) replacements for fluorescent lamps do not contain mercury.

11 (5) LED replacements for fluorescent lamps are widely available for the range of
12 fluorescent lamps used to light businesses and homes and last two (2) to three (3) times longer.

13 SECTION 2. Chapter 23-24.9 of the General Laws entitled "Mercury Reduction and
14 Education Act" is hereby amended by adding thereto the following section:

15 **23-24.9-6.1. Prohibition on fluorescent lamps.**

16 (a) As used in this section, the following words shall have the following meanings:

17 (1) "Compact fluorescent lamp" means a compact low-pressure, mercury-containing,
18 electric-discharge light source in which a fluorescent coating transforms some of the ultraviolet

1 energy generated by the mercury discharge into visible light, and includes all of the following
2 characteristics:

3 (i) One base (endcap) of any type, including, but not limited to, screw, bayonet, two (2)
4 pins, and four (4) pins;

5 (ii) Integrally ballasted or nonintegrally ballasted;

6 (iii) Light emission between a correlated color temperature of 1700K and 24000K and a
7 Duv of +0.024 and -0.024 in the International Commission on Illumination (CIE) Uniform Color
8 Space (CAM02-UCS);

9 (iv) All tube diameters and all tube lengths; and

10 (v) All lamp sizes and shapes for directional and nondirectional installations including, but
11 not limited to, PL, spiral, twin tube, triple twin, 2D, U-bend, and circular.

12 (2) "Linear fluorescent lamp" means a low-pressure, mercury-containing, electric-
13 discharge light source in which a fluorescent coating transforms some of the ultraviolet energy
14 generated by the mercury discharge into visible light, and includes all of the following
15 characteristics:

16 (i) Two (2) bases (endcaps) of any type, including single-pin, two (2)-pin, or recessed
17 double contact;

18 (ii) Light emission between a correlated color temperature of 1700K and 24000K and a
19 Duv of +0.024 and -0.024 in the International Commission on Illumination (CIE) Uniform Color
20 Space (CAM02-UCS);

21 (iii) All tube diameters, including, but not limited to, T5, T8, T10, and T12;

22 (iv) All tube lengths from one-half (1/2) to eight (8.0) feet inclusive; and

23 (v) All lamp shapes, including, but not limited to, linear, U-bend, and circular.

24 (b) On and after January 1, 2024, it shall be a violation of this section to offer for final sale,
25 sell at final sale or distribute in this state as a new manufactured product a screw or bayonet base
26 type compact fluorescent lamp.

27 (c) On and after January 1, 2025, it shall be a violation of this section to offer for final sale,
28 sell at final sale or distribute in this state as a new manufactured product a pin-base type compact
29 fluorescent lamp or a linear fluorescent lamp.

30 (d) This section does not apply to the following:

31 (1) A lamp designed and marketed exclusively for image capture and projection, including:

32 (i) Photocopying;

33 (ii) Printing, directly or in preprocessing;

34 (iii) Lithography;

1 (iv) Film and video projection; and

2 (v) Holography.

3 (2) A lamp that has a high proportion of ultraviolet light emission and is one of the
4 following:

5 (i) A lamp with high ultraviolet content that has ultraviolet power greater than two (2)
6 milliwatts per kilolumen (mW/klm);

7 (ii) A lamp for germicidal use, such as the destruction of DNA, that emits a peak radiation
8 of approximately two hundred fifty-three and seven-tenths (253.7) nanometers;

9 (iii) A lamp designed and marketed exclusively for disinfection or fly trapping from which
10 either the radiation power emitted between two hundred fifty (250) and three hundred fifteen (315)
11 nanometers represents at least five percent (5%) of, or the radiation power emitted between three
12 hundred fifteen (315) and four hundred (400) nanometers represents at least twenty percent (20%)
13 percent of, the total radiation power emitted between two hundred fifty (250) and eight hundred
14 (800) nanometers;

15 (iv) A lamp designed and marketed exclusively for the generation of ozone where the
16 primary purpose is to emit radiation at approximately one hundred eighty-five and one-tenth
17 (185.1) nanometers;

18 (v) A lamp designed and marketed exclusively for coral zooxanthellae symbiosis from
19 which the radiation power emitted between four hundred (400) and four hundred eighty (480)
20 nanometers represents at least forty percent (40%) of the total radiation power emitted between two
21 hundred fifty (250) and eight hundred (800) nanometers.

22 (vi) Any ultraviolet lamp designed and marketed exclusively for use in a sunlamp product,
23 as defined as a phototherapy product in subchapter J of title 21 of the Code of Federal Regulations,
24 as in effect on the effective date of this section.

25 (3) A lamp designed and marketed exclusively for use in medical or veterinary diagnosis
26 or treatment, or in a medical device.

27 (4) A lamp designed and marketed exclusively for use in the manufacturing or quality
28 control of pharmaceutical products.

29 (5) A lamp designed and marketed exclusively for spectroscopy and photometric
30 applications, such as UV-visible spectroscopy, molecular spectroscopy, atomic absorption
31 spectroscopy, nondispersive infrared (NDIR), Fourier transform infrared (FTIR), medical analysis,
32 ellipsometry, layer thickness measurement, process monitoring, or environmental monitoring.

33 (6) A lamp used by academic and research institutions for conducting research projects and
34 experiments.

1 (7) A compact fluorescent lamp used to replace a lamp in a motor vehicle manufactured on
2 or before January 1, 2020.

3 (e)(1) The department may cause periodic inspections to be made of distributors or retailers
4 in order to determine compliance with the provisions of this section. The department shall
5 investigate complaints received concerning violations of this section.

6 (2) If the department finds that any person has committed a violation of any provision of
7 this section, the department shall issue a warning to such person. Any person who commits a
8 violation after the issuance of such warning and any further violations committed by such person
9 shall be subject to a civil penalty pursuant to the provisions of § 23-24.9-16. Each lamp offered,
10 sold, or distributed in violation of subsection (b) of this section shall constitute a separate violation,
11 each violation shall constitute a separate offense, and each day that such violation occurs shall
12 constitute a separate offense.

13 (3) If the department finds repeated violations have occurred, it shall report the results of
14 such violations to the attorney general. The attorney general may institute proceedings to seek an
15 injunction in superior court to enforce the provisions of this section.

16 (4) The department may adopt such further regulations as necessary to ensure the proper
17 implementation and enforcement of the provisions of this section.

18 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- MERCURY REDUCTION AND EDUCATION
ACT

1 This act would prohibit, beginning January 1, 2024, any screw or bayonet base type
2 compact fluorescent lamp to be offered for final sale, sold at final sale, or distributed in the state as
3 a new manufactured product. After January 1, 2025, this act would also prohibit pin-base type
4 compact fluorescent lamp or a linear fluorescent lamp to be offered for final sale, sold at final sale,
5 or distributed in the state as a new manufactured product. Violations of this act would result in civil
6 penalties as enforced by the department of environmental management (DEM).

7 This act would take effect upon passage.

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