

SENATE No. 2403

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act relative to the sale of antique barometers, thermometers and clocks.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6D of said chapter 21H, as appearing in the 2008 Official Edition,
2 is hereby amended by striking out subsection (c) and inserting in place thereof the following
3 subsection:-

4 (c) Subsections (a) and (b) shall not apply: (i) to the sale of mercury-added products if the
5 use of the product is a federal requirement; (ii) to the sale of thermometers if they are determined
6 to be medically necessary by a licensed physician or are ordered by prescription, or (iii) to the
7 sale of mercury-added antique barometers, including antique barometers with attached mercury
8 thermometers, if the barometer was manufactured prior to 1955.

9 SECTION 2. Section 6J of said chapter 21H, as so appearing, is hereby amended by
10 adding the following subsection:-

11 (j) This section shall not apply to mercury-added antique barometers, antique
12 thermometers, and antique clocks if the antique barometer, thermometer or clock was
13 manufactured prior to 1955.

14 SECTION 3. Section 6K of said chapter 21H, as so appearing, is hereby amended by
15 adding the following subsection:-

16 (f) This section shall not apply to mercury-added antique barometers, antique
17 thermometers, and antique clocks if the antique barometer, thermometer or clock was
18 manufactured prior to 1955. A person who sells a mercury-added antique barometer,
19 thermometer, or clock manufactured prior to 1955 shall clearly inform the purchaser, at the time
20 of sale, in writing: (1) that the antique contains mercury; (2) that mercury is a hazardous
21 substance; (3) that mercury is regulated by federal and state law; (4) of the proper and
22 commercially available methods for disposal and recycling of the antique; and (5) of the proper
23 procedures for cleaning up mercury spills if the antique is broken while in the purchaser's
24 possession.