



## 1995 ASSEMBLY BILL 1086

March 27, 1996 - Introduced by Representatives RUTKOWSKI, PLACHE, NOTESTEIN, OTTE, F. LASEE, R. YOUNG, BLACK, L. YOUNG, MURAT, AINSWORTH, COGGS, ROBSON, VANDER LOOP, BOYLE and RILEY, cosponsored by Senators GROBSCHMIDT and BURKE. Referred to Committee on Consumer Affairs.

- 1 **AN ACT to create** 100.435 of the statutes; **relating to:** tampering with expiration  
2 dates on household substances and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law requires that certain products be labeled or packaged in accordance with rules promulgated by the department of agriculture, trade and consumer protection (DATCP). DATCP is authorized to promulgate rules relating to packaging and labeling standards for products such as plastic containers and products that are represented to be recycled, recyclable or degradable. DATCP may also, by rule, adopt special packaging standards for household substances in accordance with the federal poison prevention packaging act. If a person sells or distributes a product that is not packaged or labeled in compliance with an applicable labeling or packaging requirement, he or she may be required to pay a forfeiture (civil penalty) and may be subject to an order from DATCP or an injunction from a court that requires the person to refrain from selling or distributing the product in violation of the labeling or packaging requirements.

This bill prohibits a person from tampering with or altering the container, packaging or label of a household substance or repackaging a household substance if: 1) as a result of that tampering, altering or repackaging, the person obscures or covers up an expiration date of the substance or renders an expiration date of the substance materially false or misleading; and 2) the person engages in the tampering, altering or repackaging with the intent to mislead another person or to falsify an expiration date of a household substance. A person who violates this prohibition may be subject to a forfeiture of not more than \$200.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 3 **SECTION 1.** 100.435 of the statutes is created to read:

