



2009 ASSEMBLY BILL 405

August 31, 2009 - Introduced by Representatives ROYS, MASON, MOLEPSKE JR., BENEDICT, BROOKS, BERCEAU, HUBLER, CULLEN, MILROY, PASCH, TURNER, BLACK, JORGENSEN, PARISI, STEINBRINK, VRUWINK, DANOU, SOLETSKI, RICHARDS, SPANBAUER and CLARK, cosponsored by Senators LASSA, CARPENTER, KAPANKE, HANSEN, WIRCH, VINEHOUT, LEHMAN, ROBSON, RISSER and TAYLOR. Referred to Committee on Consumer Protection.

1 **AN ACT to create** 20.115 (1) (ip), 100.335 and 814.75 (1d) of the statutes; **relating**
2 **to:** prohibiting the manufacture and sale of bottles and cups for children that
3 contain bisphenol A, creating labeling requirements, making an appropriation,
4 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits manufacturing or selling at wholesale or retail an empty bottle or cup intended for use by a child (child's container) if the child's container contains bisphenol A. A manufacturer or wholesaler must ensure that a child's container sold or offered for sale in this state is clearly labeled as not containing bisphenol A. A person who violates the provisions of the bill may be fined up to \$5,000, imprisoned in the county jail for up to one year, or both.

If a court imposes a fine on a person who violates the provisions of the bill, the court must also impose a surcharge equal to 50 percent of the amount of the fine. Under the bill, surcharges are appropriated to the Department of Agriculture, Trade and Consumer Protection for administering and enforcing the provisions of the bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.115 (1) (ip) of the statutes is created to read:

2 20.115 (1) (ip) *Bisphenol A enforcement.* All moneys received under s. 100.335
3 (5), for enforcement and administration of s. 100.335.

4 **SECTION 2.** 100.335 of the statutes is created to read:

5 **100.335 Child’s containers containing bisphenol A.** (1) In this section,
6 “child’s container” means an empty bottle or cup intended by the manufacturer for
7 use by a child.

8 (2) No manufacturer or wholesaler may sell or offer for sale in this state a
9 child’s container that contains bisphenol A. A manufacturer or wholesaler who sells
10 or offers for sale in this state a child’s container shall ensure the container is clearly
11 labeled as not containing bisphenol A.

12 (3) No retailer may sell or offer for sale in this state a child’s container that
13 contains bisphenol A.

14 (4) Any person who violates this section may be fined not more than \$5,000 or
15 imprisoned for not more than one year in the county jail or both.

16 (5) If a court imposes a fine for a violation of this section, the court shall impose
17 a bisphenol A surcharge under ch. 814 equal to 50 percent of the amount of the fine.

18 **SECTION 3.** 814.75 (1d) of the statutes is created to read:

19 814.75 (1d) The bisphenol A surcharge under s. 100.335.

20 **SECTION 4. Effective date.**

