

1999 ASSEMBLY BILL 372

June 10, 1999 – Introduced by Representatives JOHNSRUD, BLACK, CULLEN, PLOUFF, FREESE, J. LEHMAN, BERCEAU, HASENOHRL, LA FAVE, BOCK, CARPENTER, MILLER, BOYLE and POCAN, cosponsored by Senators CLAUSING, ROSENZWEIG, DECKER, RISSER and BAUMGART. Referred to Committee on Environment.

1 **AN ACT** *to amend* 100.297 (2) and 100.297 (3); and *to create* 100.297 (2) (b) and
2 (c) and 100.297 (4) of the statutes; **relating to:** prohibiting the sale of a product
3 in a plastic container if the container does not consist of a percentage of
4 postconsumer waste by weight and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person, except under certain circumstances, may only sell a product in a plastic container if the container consists of at least 10% recycled or remanufactured material by weight. This requirement only applies to the sale of food, beverages, drugs, cosmetics or medical devices that are regulated under the federal Food, Drug and Cosmetic Act if the federal food and drug administration approves the use of a plastic container that consists of at least 10% or more recycled or remanufactured material for the food, beverage, drug, cosmetic or medical device.

This bill generally prohibits the sale of a product in a plastic container unless the container consists of at least 10% postconsumer waste by weight beginning on January 1, 2001, at least 20% postconsumer waste by weight beginning on January 1, 2003, and at least 25% postconsumer waste by weight beginning on January 1, 2005. Postconsumer waste is solid waste other than solid waste generated in the production of goods, hazardous waste, waste from the construction and demolition of structures, scrap automobiles or high-volume industrial waste. The prohibition does not apply to the sale of food, beverages, drugs, cosmetics or medical devices that are regulated by the federal Food, Drug and Cosmetic Act if the federal food and drug administration prohibits the sale of the product in a plastic container that consists

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of the specified percentage of postconsumer waste by weight. A person who sells a product in a plastic container that does not contain the required percentage of postconsumer waste by weight is subject to a forfeiture of not more than \$200.

For further information see the *state and local* 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.** 100.297 (2) of the statutes is amended to read:

2 100.297 **(2)** PROHIBITION. Except as provided in sub. (3), no person may sell or
3 offer for sale at retail any product in a plastic container unless the plastic container
4 consists of at least the following percentages of postconsumer waste, as defined in
5 s. 287.01 (7), by weight:

6 (a) Beginning on January 1, 2001, 10% recycled or remanufactured material,
7 by weight beginning on January 1, 1995.

8 **SECTION 2.** 100.297 (2) (b) and (c) of the statutes are created to read:

9 100.297 **(2)** (b) Beginning on January 1, 2003, 20%.

10 (c) Beginning on January 1, 2005, 25%.

11 **SECTION 3.** 100.297 (3) of the statutes is amended to read:

12 100.297 **(3)** EXCEPTION. Subsection (2) applies does not apply to a person who
13 sells or offers to sell a product that is a food, beverage, drug, cosmetic or medical
14 device and that is regulated under the federal ~~food, drug and cosmetic act~~ Food, Drug
15 and Cosmetic Act, 21 USC 301 to 394, in a plastic container ~~only~~ if the federal food
16 and drug administration has ~~approved~~ prohibited the use of the specified ~~recycled~~
17 ~~or remanufactured content~~ percentage of postconsumer waste, as defined in s. 287.01
18 (7), in that plastic container.

19 **SECTION 4.** 100.297 (4) of the statutes is created to read:

