

**1999 DRAFTING REQUEST**

**Bill**

Received: **05/13/99**

Received By: **isagerro**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Environment - recycling**

Extra Copies: **RCT**

**Pre Topic:**

No specific pre topic given

**Topic:**

Percentage of post consumer recycled material in plastic containers

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	isagerro 05/19/99	wjackson 05/19/99	martykr 05/20/99	_____	lrb_docadmin 05/20/99	lrb_docadminS&L 05/21/99	

FE Sent For:

*06-10-99*

<END>

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FE Sent For:

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**Tradewell, Becky**

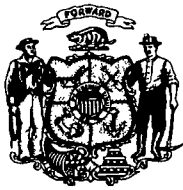
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**From:** Perala, Steve  
**Sent:** Thursday, May 13, 1999 1:44 PM  
**To:** Tradewell, Becky  
**Subject:** from Spence re: DRAFT ON PLASTICS

Becky: Below is what I want. I hope it is enough info. Please call with questions. Thanks Spence

Revise 100.297 (2) except as provided in sub. (3), no person may sell or offer for sale at retail any product in a plastic container unless the plastic container consists of at least 10% post consumer recycled material as defined in s. 287.01(7) by weight by January 1, 2001, 20% post consumer recycled material by weight by January 1, 2003, and 25% post consumer recycled material by weight by January 1, 2005.

- (3) Subsection (2) does not apply to containers that are regulated under the federal food, drug and cosmetic act 21USC 301-394 and for which the federal food and drug administration has prohibited the use of recycled material in such containers.
- (4) Any person who violates sub (2) shall be required to forfeit no more than \$200 for each violation.



1999 BILL

By Friday  
5/21/99

Gen Cat

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AN ACT ~~relating to~~; ~~prohibiting the sale of a product in a plastic container if~~

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the container does not consist of a percentage of post consumer ~~recycled~~ waste

3

~~material~~ 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 <sup>applies</sup> to the sale of food, beverages, drugs, cosmetics or medical devices that are regulated under the federal Food, Drug and Cosmetic Act ~~only~~ 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 ~~to sell~~ <sup>from</sup> the food, beverage, drug, cosmetic or medical device.

This bill <sup>generally</sup> prohibits the sales ~~except in certain circumstances~~ of a product in a plastic container unless the container consists of at least 10% post consumer recycled material by weight beginning on January 1, 2001, at least 20% post consumer recycled material by weight beginning on January 1, 2003, and at least 25% post consumer recycled material by weight beginning on January 1, 2005. Post consumer recycled material is solid waste other than <sup>if</sup> 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

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**BILL**

administration prohibits the sale of the product in a plastic container that consists of the specified percentage of post consumer ~~recycled material~~<sup>waste</sup> by weight. A person who sells a product in a plastic container that does not contain the required percentage of post consumer ~~recycled material~~<sup>waste</sup> 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)<sup>↓</sup> 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 post consumer ~~recycled material~~<sup>waste</sup>, as  
5 defined in 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 History: 1989 a. 335; 1993 a. 245

8 SECTION 2. 100.297 (2) (b)<sup>↓</sup> and (c)<sup>↓</sup> of the statutes ~~is~~<sup>are</sup> 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)<sup>↓</sup> 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~~<sup>Food, Drug and Cosmetic Act</sup>, 21 USC  
15 301 to 394, in a plastic container only if the federal food and drug administration has  
16 ~~approved~~ prohibited the use of the specified percentage of post consumer ~~recycled or~~<sup>waste</sup>  
17 ~~remanufactured content~~ material, as defined in s. 287.01 (7)<sup>↓</sup>, in that plastic  
18 container.

History: 1989 a. 335; 1993 a. 245.

**BILL**

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

2

100.297 (4) <sup>(CS) Forfeiture.</sup> Any person who violates sub. (2) <sup>may</sup> ~~shall~~ be required to forfeit <sup>not</sup> ~~no~~ more

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than \$200 for each violation.

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**SECTION 5. Effective date.**

5

(1) This act takes effect on January 1, 2001.

6

(END)



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 5/20/99

**To:** Representative Black

**Relating to LRB drafting number:** LRB-3075

**Topic**

Percentage of post consumer recycled material in plastic containers

**Subject(s)**

Environment - recycling

1. **JACKET** the draft for introduction \_\_\_\_\_



in the **Senate** \_\_\_\_ or the **Assembly** \_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Ivy G. Sager-Rosenthal, Legislative Attorney  
Telephone: (608) 261-4455