

2001 DRAFTING REQUEST

Bill

Received: 09/11/2000

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing:

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Alt. Drafters:

Subject: Environment - recycling

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Required recycled content of plastic containers

Instructions:

1999 AB 372 with 99a0597/2

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>
/?	traderc 09/14/2000	wjackson 09/21/2000		_____			S&L
/1			pgreensl 09/26/2000	_____	lrb_docadmin 09/26/2000	lrb_docadmin 09/27/2000	

FE Sent For:

<END>

→ AF Intro.

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1/1	traderc	1 WJ 9/21	PS 9-25	PG/Km 9-25			

FE Sent For:

<END>

State Representative Spencer Black



State Capitol
P.O. Box 8952
Madison, WI 53708
(608) 266-7521

TO: Peter Dykman, Chief of Legislative Reference Bureau
FROM: Representative Spencer Black
DATE: September 7, 2000
RE: Redrafts of 1999 Assembly Bills for the upcoming 2001-2002 legislative session.

Please redraft the following 1999 Assembly Bills/Resolutions (as is) for the upcoming session:

AB 82	AB 145	AB 162
AB 165	AB 166	AB 261
AB 397	AB 457	AB 458
AB 459	AB 460	AB 461
AB 462	AB 463	AB 510
AB 511	AB 644	AB645
AB 702	AB 775	AB 831
AB 862	AB 935	AJR 50
AJR 119		

Please redraft the following 1999 Assembly Bills with simple modifications as listed below:

AB 36: Draft Senate Substitute Amendment 1 to 1999 Senate Bill 2 as an assembly bill. On page 2 line 2 delete "2000-2001" and substitute "2001-2002"

AB 264: Redraft bill to include Senate Amendment 1 to 1999 Senate Bill 115 and Senate Amendment 2 to 1999 Senate Bill 115

RC AB 372: Redraft the bill to include Assembly Amendment LRBa0597/2

AB 936: Redraft the bill with the following changes.

In line 5 delete "ore processing reagent"

Delete line 6

Line 8 delete "ore processing reagents"

↓
↓
Stays

2000

~~1999 ASSEMBLY BILL 372~~

DNote

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.

generally prohibits the retail sale of

REGEN

1
2
3
4

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

prohibition

unless
Analysis by the Legislative Reference Bureau

Under current law, a person, except under certain circumstances, may 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 retail 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

only

in 2002

in 2004

in 2006

basically

Analysis insert

medical devices

ASSEMBLY BILL 372

(a civil penalty)

* 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~~ ^{the effective date of this paragraph ... [reviser inserts date]}

6 (a) Beginning on ~~January 1, 2001~~ ²⁰⁰⁴, 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~~ ²⁰⁰⁴, 20%.

10 (c) Beginning on January 1, ~~2005~~ ²⁰⁰⁶, 25%.

Insert
From 2597/2
999

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

~~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:



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0597/2
ISR:jlg:kjf

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 372

1 At the locations indicated, amend the bill as follows:

2 I. Page 2, line 11: delete lines 11 to 18 and substitute:

3 "SECTION 3g. 100.297 (3) of the statutes is renumbered 100.297 (3) (intro.) and
4 amended to read:

5 100.297 (3) EXCEPTION. (intro.) Subsection (2) applies does not apply to a
6 person who sells or offers to sell a product that is a any of the following products:

7 (a) A food, beverage, ^{plain} drug or cosmetic or medical device and that is regulated
8 under the federal ~~food, drug and cosmetic act~~ Food, Drug and Cosmetic Act, 21 USC
9 301 to 394, in a plastic container only if the federal food and drug administration has
10 approved prohibited the use product from being packaged in a container that consists
11 of the specified ~~recycled or remanufactured content in that plastic container~~
12 percentage of postconsumer waste, as defined in s. 287.01 (7).

13 SECTION 3m. 100.297 (3) (b) and (c) of the statutes are created to read:

↓

1 100.297 (3) (b) A drug, device, or infant formula, as defined in 21 USC 321, or
2 medical food, as defined in 21 USC 360ee.

3 (c) A product that the federal department of transportation prohibits under 49
4 CFR 178.509 or 178.522 from being packaged in a container that consists of the
5 specified percentage of postconsumer waste, as defined in s. 287.01 (7).~~1~~

6

(END) of insert

^{NOTE} = The prohibition does not apply to the sale of drugs, medical devices, infant formula, medical food, or products that the federal department of transportation prohibits from being packaged in a plastic container that consists of the specified percentage of postconsumer waste.

RET

Note

~~Q~~ I have advanced the dates in this draft by one year @

Please let me know if you would prefer different dates @
=

RET

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0216/1dn
RCT:wlj:pg

September 25, 2000

I have advanced the dates in this draft by one year. Please let me know if you would prefer different dates.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 26, 2000

MEMORANDUM

To: Representative Black

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-0216 Required recycled content of plastic containers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7290 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.