

2001 SENATE BILL 485

March 5, 2002 – Introduced by Senators BAUMGART and DECKER, cosponsored by Representatives POWERS, POCAN, RYBA, BLACK, MILLER and ALBERS. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT** *to create* 16.70 (13m), 16.72 (2) (g) and 16.74 (5m) of the statutes;
2 **relating to:** state procurement of a toner cartridge whose manufacturer
3 restricts its remanufacture.

Analysis by the Legislative Reference Bureau

Currently, the department of administration (DOA) purchases or delegates to other state agencies in the executive branch the authority to purchase materials, supplies, and equipment for use in the state agencies in the executive branch. DOA is required to prepare standard specifications, as far as possible, for all state purchases. The specifications must incorporate requirements for the purchase of products made from recycled materials and recovered materials if their use is technically and economically feasible.

This bill requires DOA, every other state agency to which DOA delegates purchasing authority other than the University of Wisconsin Hospitals and Clinics Authority, and state legislative and judicial branch entities to ensure that the specifications that they use for purchasing prohibit the procurement of toner cartridges whose original manufacturer places restrictions on the remanufacturing (reconditioning or refilling) of the toner cartridges by any person other than the original manufacturer. The bill defines “toner cartridge” as any cartridge containing a dry, powdered ink for application to paper by use of a photocopier, laser printer, or similar device. Restrictions on remanufacturing include reducing the price of the toner cartridge in exchange for an agreement not to remanufacture the toner cartridge, a licensing agreement on the toner cartridge that forbids

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remanufacturing, and any contract that forbids the remanufacturing or recycling of a toner cartridge.

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.** 16.70 (13m) of the statutes is created to read:

2 16.70 **(13m)** “Remanufacturing” means the process by which a durable product
3 is restored, retaining the bulk of components that have been through at least one life
4 cycle and replacing consumable portions to enable the product to be restored to its
5 originally intended function.

6 **SECTION 2.** 16.72 (2) (g) of the statutes is created to read:

7 16.72 **(2)** (g) 1. In this paragraph, “toner cartridge” means a cartridge
8 containing dry, powdered ink for application to paper by use of a photocopier, laser
9 printer, or similar device.

10 2. In writing specifications for purchases under this section, the department,
11 any other designated purchasing agent under s. 16.71 (1), and each authority, other
12 than the University of Wisconsin Hospitals and Clinics Authority, shall ensure that
13 the specifications prohibit the procurement of a toner cartridge whose original
14 manufacturer places restrictions on the remanufacturing of the toner cartridge by
15 any person other than the original manufacturer. Restrictions on remanufacturing
16 include reducing the price of the toner cartridge in exchange for an agreement not
17 to remanufacture the toner cartridge, a licensing agreement on the toner cartridge
18 that forbids remanufacturing, and any contract that forbids the remanufacturing or
19 recycling of a toner cartridge. Trade names may be used in specifications written
20 under this paragraph.

