



## 2005 ASSEMBLY BILL 607

August 16, 2005 - Introduced by Representatives BLACK, SINICKI, BERCEAU, POCAN, PARISI, GRIGSBY, HEBL, MOLEPSKE, POPE-ROBERTS and CULLEN, cosponsored by Senators RISSER, DECKER and CARPENTER. Referred to Committee on Small Business.

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

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### ***Analysis by the Legislative Reference Bureau***

Current law generally prohibits the retail sale of a product in a plastic container unless the container consists of at least 10 percent recycled or remanufactured material. This prohibition applies 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 percent 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 percent postconsumer waste beginning in 2006, at least 20 percent postconsumer waste beginning in 2008, and at least 25 percent postconsumer waste beginning in 2010. Postconsumer waste is basically solid waste other than solid waste generated in the production of goods. The prohibition does not apply to the sale of drugs, medical devices, infant formula, or medical food or to products that the federal Department of Transportation prohibits from being packaged in a plastic container that consists of the specified percentage

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of postconsumer waste. The prohibition does not apply to the sale of food, beverages, or cosmetics 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 of the specified percentage of postconsumer waste. A person who sells a product in a plastic container that does not contain the required percentage of postconsumer waste is subject to a forfeiture (a civil penalty) 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.

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*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 renumbered 100.297 (2) (intro.) and  
2 amended to read:

3           100.297 (2) PROHIBITION. (intro.) Except as provided in sub. (3), no person may  
4 sell or offer for sale at retail any product in a plastic container unless the plastic  
5 container consists of at least 10% recycled or remanufactured material, by weight  
6 beginning on January 1, 1995. the following percentages of postconsumer waste, as  
7 defined in s. 287.01 (7):

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

9           100.297 (2) (a) Beginning on the effective date of this paragraph .... [revisor  
10 inserts date], 10 percent.

11           (b) Beginning on January 1, 2008, 20 percent.

12           (c) Beginning on January 1, 2010, 25 percent.

13           **SECTION 3.** 100.297 (3) of the statutes is renumbered 100.297 (3) (intro.) and  
14 amended to read:

15           100.297 (3) EXCEPTION. (intro.) Subsection (2) applies does not apply to a  
16 person who sells or offers to sell ~~a product that is a~~ any of the following products:

