



2011 SENATE BILL 407

January 27, 2012 – Introduced by Senators OLSEN, ERPENBACH, HANSEN, HOLPERIN, RISSER, SCHULTZ, TAYLOR and WANGGAARD, cosponsored by Representatives TRANEL, BERNARD SCHABER, BROOKS, KRUG, LITJENS, A. OTT, J. OTT, PETRYK, POCAN, RIPP, RIVARD, SPANBAUER, SUDER, C. TAYLOR, THIESFELDT and WILLIAMS. Referred to Committee on Workforce Development, Small Business, and Tourism.

1 **AN ACT to amend** 100.27 (6), 100.27 (7) (a) and 100.27 (7) (b); and **to create**
2 100.27 (1) (dg), 100.27 (1) (dr) and 100.27 (5m) of the statutes; **relating to:** zinc
3 air button cell batteries and providing penalties.

Analysis by the Legislative Reference Bureau

Current law imposes restrictions on the following batteries:

1. No person may sell or offer for sale an alkaline manganese button cell battery manufactured after January 1, 1996, unless the manufacturer has certified to the Department of Agriculture, Trade and Consumer Protection (DATCP) that the battery contains no more than 25 milligrams of mercury.

2. No person may sell or offer for sale any other alkaline manganese battery manufactured after January 1, 1996, or any zinc carbon battery manufactured after July 1, 1994, unless the manufacturer has certified to DATCP that the battery contains no mercury that was intentionally introduced.

3. Except for a mercuric oxide button cell battery, no person may sell or offer for sale a mercuric oxide battery unless the manufacturer informs purchasers of a recycling or disposal site for the battery.

This bill creates a new restriction for a “zinc air button cell battery,” which the bill defines as a battery that resembles a button in size and shape and that has a zinc anode, an alkaline electrolyte, and cathode that is capable of catalyzing oxygen when present. The bill prohibits a person from selling or offering for sale at retail a zinc air button cell battery manufactured after January 1, 2013, unless the manufacturer certifies to DATCP that the battery has no mercury that was intentionally

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introduced. The bill requires DATCP to compile and make available to the public a list of zinc air button cell batteries for which it receives such a certification. Under current law, DATCP has the same duty regarding certifications it receives for alkaline manganese and zinc carbon batteries. A person who sells a zinc air button cell battery at retail in violation of the bill is subject to a forfeiture of not less than \$50 nor more than \$200 and a manufacturer who submits a fraudulent certification is subject to a forfeiture of not less than \$1,000 nor more than \$10,000. The same forfeitures apply to the restrictions under current law described above.

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.** 100.27 (1) (dg) of the statutes is created to read:

2 100.27 (1) (dg) “Zinc air battery” means a battery with a zinc anode, an alkaline
3 electrolyte, and a cathode that is capable of catalyzing oxygen when present.

4 **SECTION 2.** 100.27 (1) (dr) of the statutes is created to read:

5 100.27 (1) (dr) “Zinc air button cell battery” means a zinc air battery that
6 resembles a button in size and shape.

7 **SECTION 3.** 100.27 (5m) of the statutes is created to read:

8 100.27 (5m) ZINC AIR BUTTON CELL BATTERIES. No person may sell at retail or
9 offer for sale at retail a zinc air button cell battery that is manufactured after
10 January 1, 2013, unless the manufacturer has certified to the department that the
11 zinc air button cell battery contains no mercury that was intentionally introduced.

12 **SECTION 4.** 100.27 (6) of the statutes is amended to read:

13 100.27 (6) LIST OF CERTIFIED BATTERIES. The department shall compile and make
14 available to the public a list of all batteries for which it has received certification
15 under subs. (2) and (3), and (5m).

16 **SECTION 5.** 100.27 (7) (a) of the statutes is amended to read:

