



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 145**  
[2009 Senate Bill 271]

**BPA in Baby Bottles  
and Sippy Cups**

2009 Wisconsin Act 145 regulates bisphenol A (BPA) in child's containers. "Child's container" is defined as "an empty baby bottle or spill-proof cup primarily intended by the manufacturer for use by a child three years of age or younger."

Act 145 does all of the following:

- Prohibits the retail sale of any child's container that contains BPA.
- Prohibits the wholesale sale of any child's container that contains BPA.
- Prohibits the manufacture of any child's container that contains BPA.

Act 145 requires all child's containers that are sold at retail to be labeled as not containing BPA. Child's containers sold at wholesale that are *intended for retail sale* must also be labeled as not containing BPA.

A wholesaler or manufacturer who sells a child's container that is not intended for retail sale must either label the container as not containing BPA or confirm to the buyer that the container does not contain BPA.

A person who sells, or offers for sale, at retail, a child's container that contains BPA, or that is not appropriately labeled, is subject to a forfeiture of \$50 to \$200. A person who manufactures or sells at wholesale, or offers for sale at wholesale, a child's container that contains BPA, or that is not appropriately labeled, is subject to a forfeiture of \$100 to \$10,000 for each violation. The person is also subject to a fine of not more than \$5,000, imprisonment for not more than one year in the county jail, or both.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The Department of Agriculture, Trade and Consumer Protection may seek an injunction to restrain retail sales that are in violation of the prohibition or may order a recall of containers sold in violation of the prohibition.

Act 145 does not apply to the sale of a used child's container.

***Effective date:*** June 15, 2010.

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