The State of Wisconsin

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #164

Relating to Declaring a Period of Abnormal Economic Disruption and Prohibiting Price Gouging Due to Infant Formula Supply Challenges

WHEREAS, parents and caregivers are experiencing an emergency nationwide infant formula shortage in the wake of recalls of certain powdered infant formulas;

WHEREAS, the entire supply has been impacted, and this has had a particularly drastic effect on those who need specialty formulas;

WHEREAS, this emergency has substantially disrupted normal business transactions in the state, prompting retail shortages on store shelves and retailer-rationed supplies;

WHEREAS, even as facilities resume operations, it will still take time for those efforts to lead to restocked shelves;

WHEREAS, Wisconsin Women, Infants, and Children program has offered formula substitutions and Wisconsin Medicaid has provided streamlined prior authorization approval for infant formula to alleviate struggles for their participants;

WHEREAS, President Joseph R. Biden, Jr. invoked the Defense Production Act to direct needed resources to infant formula manufacturers while also directing federal agencies to utilize commercial aircraft to pick up overseas infant formula to get shelves stocked faster;

WHEREAS, no parent should have to worry about equitable access to formula, especially if their infant has special nutritional needs, and no child should ever go hungry; and

WHEREAS, this order makes it clear that retailers looking to take advantage of vulnerable families during this formula shortage will not be tolerated.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this state, and specifically Section 100.305 of the Wisconsin Statutes, hereby:

1. Certify that a period of abnormal economic disruption exists in the state of Wisconsin as a result of a disruption in the normal business transactions of infant formula;

2. Prohibit sellers from selling, or offering to sell, in this state at wholesale or at retail, infant formula at unreasonably excessive prices as further outlined in Chapter ATCP 106 of the Wisconsin Administrative Code and as made enforceable under Section 100.305(4m) of the Wisconsin Statutes; and
3. Declare that this order will terminate in 90 days.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done in the City of Madison this twenty-sixth day of May in the year of two thousand twenty-two.

Tony Evers

TONY EVERS
Governor

By the Governor:

Douglas La Follette

DOUGLAS LA FOLLETTE
Secretary of State