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**WISCONSIN LEGISLATIVE COUNCIL  
ACT MEMO**

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**2011 Wisconsin Act 249**  
[2011 Assembly Bill 93]

**Providing Tobacco or Nicotine  
Products to Minors**

**Background**

*Current law* generally prohibits the retail sale of cigarettes and tobacco products\* to any person who is under 18 years of age.

The law generally prohibits any person under 18 years of age from buying, attempting to buy or possess, or falsely representing his or her age for the purpose of receiving, any cigarette or tobacco product.

Wisconsin law also generally prohibits any person from purchasing *cigarettes* on behalf of, or to provide to, any person who is under 18 years of age.

**2011 Wisconsin Act 249**

*Act 249* prohibits any person from purchasing *tobacco products* on behalf of, or to provide to, any person who is under 18 years of age.

Act 249 also creates prohibitions relating to *nicotine products* and minors. The Act defines “nicotine product” as any product that contains nicotine and is not a cigarette, a tobacco product or a

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\* “Tobacco product” includes any of the following: cigars; cheroots; stogies, periques; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff, including moist snuff; snuff flour; Cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, other than cigarettes, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

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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/>.

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product approved by the U.S. Food and Drug Administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.

Act 249 does all of the following:

- Prohibits the retail sale of nicotine products to any person who is under 18 years of age.
- Prohibits any person under 18 years of age from buying, attempting to buy or possess or falsely representing their age for the purpose of receiving, any nicotine product.
- Prohibits any person from purchasing nicotine products on behalf of, or to provide to, any person who is under 18 years of age.

***Effective date:*** 2011 Wisconsin Act 249 takes effect on April 20, 2012.

***Prepared by:*** Mary Matthias, Senior Staff Attorney

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