



---

---

**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

---

---

**2011 Assembly Bill 93**

**Assembly Substitute  
Amendment 1**

*Memo published:* October 11, 2011

*Contact:* Mary Matthias, Senior Staff Attorney (266-0932)

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

Current law generally 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 cigarette or tobacco product.

Current 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.

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

*Assembly Substitute Amendment 1* (ASA1) maintains the bill's prohibition relating to purchasing tobacco products for minors, and also does the following:

- Prohibits the retail sale of nicotine products to any person who is under 18 years of age. ASA1 defines "nicotine product" as any product that contains nicotine and is not a cigarette, a tobacco product or a product approved by the U.S. Food and Drug Administration for sale

---

\* "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.

as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.

- 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.

**Legislative History**

ASA1 was offered by Representative Bies on October 3, 2011. On October 6, 2011, the Assembly Committee on Public Health and Public Safety voted to recommend adoption of ASA1 and to recommend passage of the bill on successive votes of Ayes, 5; Noes, 1.

MM:ty