LRB-4388/1 MGG:jlg:lp

1997 ASSEMBLY BILL 691

January 6, 1998 – Introduced by Representatives Dobyns, Walker, Bock, Kreibich, Handrick, Staskunas, Notestein, Turner, Duff, Cullen, Jeskewitz, R. Young, Ladwig, Green, La Fave, Robson, Goetsch, Boyle, Morris-Tatum and Huber, cosponsored by Senators Roessler, Darling and Rosenzweig. Referred to Committee on State Affairs.

AN ACT to amend 134.66 (4) (a) 1., 134.66 (5) and 938.983 (5) of the statutes; relating to: the authority of counties, towns, villages and cities to enact ordinances regulating the purchase, possession, sale or giving away of cigarettes and tobacco products.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town or county may enact an ordinance regulating the sale or giving away of cigarettes or tobacco products only if the ordinance strictly conforms to the state statute regulating that conduct. In addition, current law provides that a city, village, town or county may enact an ordinance regulating the purchase or possession of cigarettes or tobacco products by a child only if the ordinance strictly conforms to the state statute regulating that conduct. This bill removes the requirement that these types of local ordinances strictly conform to state statutes and instead requires that the local ordinances be at least as strict as state statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 134.66 (4) (a) 1. of the statutes is amended to read:

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134.66 (4) (a) 1. In this paragraph, "violation" means a violation of sub. (2) (a)
(c), (cm), (d) or (e) or a local ordinance which strictly conforms to sub. (2) (a), (c), (cm)
(d) or (e) enacted under sub. (5).

Section 2. 134.66 (5) of the statutes is amended to read:

an ordinance regulating the conduct regulated by this section only if it strictly conforms to this section sale or giving away of cigarettes and tobacco products if the ordinance is at least as strict as this section. A county ordinance adopted enacted under this subsection does not apply within any town, village or city that has adopted or adopts enacted or enacts an ordinance under this subsection.

Section 3. 938.983 (5) of the statutes is amended to read:

938.983 (5) A county, town, village or city may adopt enact an ordinance regulating the conduct regulated by this section only if it strictly conforms to purchase or possession of cigarettes or tobacco products by a person under 18 years of age if the ordinance is at least as strict as this section. A county ordinance adopted enacted under this section does not apply within any town, village or city that has adopted or adopts enacted or enacts an ordinance under this subsection.

18 (END)