



1997 SENATE BILL 314

October 8, 1997 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

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

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the joint legislative council in the bill.

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

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on minors and tobacco.

Under current law, a local unit of government 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 local unit of government 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 local ordinances regulating this conduct strictly conform to state statutes and instead requires that the local ordinances be at least as strict as state statutes.

5 **SECTION 1.** 134.66 (4) (a) 1. of the statutes is amended to read:

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

4 **SECTION 2.** 134.66 (5) of the statutes is amended to read:

5 134.66 **(5)** LOCAL ORDINANCE. A county, town, village or city may ~~adopt~~ enact
6 an ordinance regulating the ~~conduct regulated by this section only if it strictly~~
7 ~~conforms to this section~~ sale or giving away of cigarettes and tobacco products if the
8 ordinance is at least as strict as this section. A county ordinance ~~adopted~~ enacted
9 under this subsection does not apply within any town, village or city that has ~~adopted~~
10 ~~or adopts~~ enacted or enacts an ordinance under this subsection.

11 **SECTION 3.** 938.983 (5) of the statutes is amended to read:

12 938.983 **(5)** A county, town, village or city may ~~adopt~~ enact an ordinance
13 regulating the ~~conduct regulated by this section only if it strictly conforms to~~
14 purchase or possession of cigarettes or tobacco products by a person under 18 years
15 of age, if the ordinance is at least as strict as this section. A county ordinance ~~adopted~~
16 enacted under this section does not apply within any town, village or city that has
17 ~~adopted or adopts~~ enacted or enacts an ordinance under this subsection.

18 (END)