

1991 Senate Bill 155

Date of enactment: **December 4, 1991**
Date of publication*: **December 18, 1991**

1991 WISCONSIN ACT 95

AN ACT *to repeal* 134.66 (1) (f); *to renumber and amend* 134.66 (2) (c); *to amend* 48.983 (3) and 134.66 (4) (a) 1; and *to create* 48.983 (2) (c) and 134.66 (2) (c) of the statutes, **relating to:** restrictions on the location of cigarette vending machines, ordinances that regulate cigarette vending machines and restrictions on the possession of cigarettes by children.

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

SECTION 1. 48.983 (2) (c) of the statutes is created to read:

48.983 (2) (c) Possess any cigarette or tobacco product.

SECTION 2. 48.983 (3) of the statutes is amended to read:

48.983 (3) A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under s. 134.65 (1).

SECTION 3. 134.66 (1) (f) of the statutes is repealed.

SECTION 4. 134.66 (2) (c) of the statutes is renumbered 134.66 (2) (cm), and 134.66 (2) (cm) 1 and 3, as renumbered, are amended to read:

134.66 (2) (cm) 1. ~~No person~~ Notwithstanding par. (c), no retailer may place a vending machine within 500 feet of a school.

3. Notwithstanding subd. 2, if a written agreement binding on a vending machine operator governs the location of his or her vending machine which is located within 500 feet of a school, the vending machine ~~owner~~ operator shall remove the vending machine on the date that the written agreement expires or would be extended or renewed or on the first day of the 13th month beginning after the effective date of this subdivision ... [revisor inserts date], whichever occurs first.

SECTION 5. 134.66 (2) (c) of the statutes is created to read:

134.66 (2) (c) 1. Except as provided in par. (cm), no retailer may keep a vending machine in any public place that is open to persons under the age of 18 unless all of the following apply:

a. The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of an employee.

b. The vending machine is in a place where it is inaccessible to the public when the premises are closed.

2. The person who ultimately controls, governs or directs the activities within the premises where the vending machine is located shall ensure that an employee of the retailer remains in the immediate vicinity, plain view and control of the vending machine whenever the premises are open.

3. Except as provided in subd. 4, a vending machine operator shall remove all of his or her vending machines that are located in any place prohibited by this paragraph by the first day of the 2nd month beginning after the effective date of this subdivision ... [revisor inserts date].

4. Notwithstanding subd. 3, if a written agreement binding on a vending machine operator governs his or her vending machine that is located in any place prohibited by this paragraph, the vending machine operator shall remove the vending machine on the date that the written agreement expires or would be extended or renewed or on the first day of the 13th month beginning after the

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effective date of this subdivision [revisor inserts date],
whichever occurs first.

SECTION 6. 134.66 (4) (a) 1. of the statutes is
amended to read:

134.66 (4) (a) 1. In this paragraph, “violation” means

a violation of sub. (2) (a), (c), (cm) or (d) or a local ordi-
nance which strictly conforms to sub. (2) (a), (c), (cm)
or (d).

SECTION 7. Effective date. This act takes effect on
the first day of the 4th month beginning after publication.
