



State of Wisconsin
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 313**

March 26, 1998 – Offered by Representatives DOBYNS, WALKER, BOCK and FOTI.

1 **AN ACT to repeal** 134.66 (2) (c) and 134.66 (2) (cm) 2. and 3.; **to renumber and**
2 **amend** 134.66 (2) (cm) 1.; **to amend** 134.65 (2) (a), 134.65 (2) (b), 134.66 (2) (a)
3 and 134.66 (4) (a) 1.; and **to create** 134.66 (2) (am) and 134.66 (2) (cm) 1m. of
4 the statutes; **relating to:** cigarette and tobacco products retailer license fees,
5 restrictions on the sale of cigarettes or tobacco products from a vending machine
6 and granting rule-making authority.

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

7 **SECTION 1.** 134.65 (2) (a) of the statutes is amended to read:
8 134.65 (2) (a) Except as provided in par. (b), upon filing of a proper written
9 application a license shall be issued on July 1 of each year or when applied for and
10 continue in force until the following June 30 unless sooner revoked. The city, village
11 or town may charge a fee for the license is ~~\$5~~ of not less than \$5 nor more than \$100

1 per year which shall be paid to the city, village or town treasurer before the license
2 is issued.

3 **SECTION 2.** 134.65 (2) (b) of the statutes is amended to read:

4 134.65 (2) (b) In any municipality electing to come under this paragraph, upon
5 filing of a proper written application a license shall be issued and continue in force
6 for one year from the date of issuance unless sooner revoked. The city, village or town
7 may charge a fee for the license is \$5 of not less than \$5 nor more than \$100 per year
8 which shall be paid to the city, village or town treasurer before the license is issued.

9 **SECTION 3.** 134.66 (2) (a) of the statutes is amended to read:

10 134.66 (2) (a) No retailer, manufacturer ~~or~~ distributor, jobber or subjobber, no
11 agent, employe or independent contractor of a retailer, manufacturer, distributor,
12 jobber or subjobber and no agent or employe of an independent contractor may sell
13 or ~~give~~ provide for nominal or no consideration cigarettes or tobacco products to any
14 person under the age of 18, except as provided in s. 938.983 (3). A vending machine
15 operator is not liable under this paragraph for the purchase of cigarettes or tobacco
16 products from his or her vending machine by a person under the age of 18 if the
17 vending machine operator was unaware of the purchase.

18 **SECTION 4.** 134.66 (2) (am) of the statutes is created to read:

19 134.66 (2) (am) No retailer, manufacturer, distributor, jobber, subjobber, no
20 agent, employe or independent contractor of a retailer, manufacturer, distributor,
21 jobber or subjobber and no agent or employe of an independent contractor may
22 provide for nominal or no consideration cigarettes or tobacco products to any person
23 except in a place where no person younger than 18 years of age is present or
24 permitted to enter unless the person who is younger than 18 years of age is

1 accompanied by his or her parent or guardian or by his or her spouse who has
2 attained the age of 18 years.

3 **SECTION 5.** 134.66 (2) (c) of the statutes is repealed.

4 **SECTION 6.** 134.66 (2) (cm) 1. of the statutes is renumbered 134.66 (2) (cm) 2.
5 and amended to read:

6 134.66 (2) (cm) 2. Notwithstanding ~~par. (c)~~ subd. 1m., no retailer may place a
7 vending machine within 500 feet of a school.

8 **SECTION 7.** 134.66 (2) (cm) 1m. of the statutes is created to read:

9 134.66 (2) (cm) 1m. A retailer or vending machine operator may not sell
10 cigarettes or tobacco products from a vending machine unless the vending machine
11 is located in a place where the retailer or vending machine operator ensures that no
12 person younger than 18 years of age is present or permitted to enter unless he or she
13 is accompanied by his or her parent or guardian or by his or her spouse who has
14 attained the age of 18 years.

15 **SECTION 8.** 134.66 (2) (cm) 2. and 3. of the statutes are repealed.

16 **SECTION 9.** 134.66 (4) (a) 1. of the statutes is amended to read:

17 134.66 (4) (a) 1. In this paragraph, "violation" means a violation of sub. (2) (a),
18 (e), (cm), (d) or (e) or a local ordinance which strictly conforms to sub. (2) (a), (e), (cm),
19 (d) or (e).

20 **SECTION 10. Nonstatutory provisions.**

21 (1) REMOVAL OF VENDING MACHINES. Notwithstanding section 134.66 (2) (cm) 1m.
22 of the statutes, as created by this act, if a written agreement in effect on the effective
23 date of this subsection that is binding on a vending machine operator requires the
24 placement of the vending machine operator's vending machine in a location that is
25 prohibited under section 134.66 (2) (cm) 1m. of the statutes, as created by this act,

1 the vending machine operator shall remove the vending machine on or before the
2 date that the written agreement expires or would be extended or renewed, whichever
3 occurs first.

4 (END)