

**SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 334**

March 14, 2000 – Offered by COMMITTEE ON HUMAN SERVICES AND AGING.

1 **AN ACT** *to repeal* 254.916 (4); *to amend* 134.66 (5), subchapter IX (title) of
2 chapter 254 [precedes 254.911], 254.911 (2), 254.916 (1) (c), 254.916 (5) and
3 254.916 (8); *to repeal and recreate* 254.916 (title) and 254.916 (1) (a); and *to*
4 *create* 134.65 (1m) of the statutes; **relating to:** investigations of compliance
5 with certain prohibitions against selling or giving cigarettes and tobacco
6 products to minors and requiring certain information to be included on an
7 application for a license to sell, expose for sale, possess with intent to sell,
8 exchange, barter, dispose of or give cigarettes or tobacco products to a person.

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

9 **SECTION 1.** 134.65 (1m) of the statutes is created to read:
10 134.65 **(1m)** A city, village or town clerk may not issue a license under sub. (1)
11 unless the applicant specifies in the license application whether the applicant will

1 sell, exchange, barter, dispose of or give away the cigarette or tobacco products over
2 the counter or in a vending machine, or both.

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

4 134.66 (5). A county, town, village or city may adopt an ordinance regulating
5 the conduct regulated by this section only if it strictly conforms to this section. A
6 county ordinance adopted under this subsection does not apply within any town,
7 village or city that has adopted or adopts an ordinance under this subsection. If a
8 county, town, village or city conducts unannounced investigations of retail outlets,
9 as defined in s. 254.911 (5), to determine compliance with an ordinance adopted
10 under this subsection, the investigations shall meet the requirements of s. 254.916
11 (3) and any standards established by the department of health and family services
12 under s. 254.916 (1) (b).

13 **SECTION 3.** Subchapter IX (title) of chapter 254 [precedes 254.911] of the
14 statutes, as created by 1999 Wisconsin Act 9, is amended to read:

15 **CHAPTER 254**

16 **SUBCHAPTER IX**

17 **INVESTIGATIONS OF THE SALE OR**

18 **GIFT OF CIGARETTES OR**

19 **TOBACCO PRODUCTS TO MINORS**

20 **SECTION 4.** 254.911 (2) of the statutes, as created by 1999 Wisconsin Act 9, is
21 amended to read:

22 254.911 (2) “Governmental regulatory authority” means the department; ~~the,~~
23 a local health department, a state agency or a state or local law enforcement agency;
24 a local health department, state agency or a state or local law enforcement agency
25 with which the department contracts under s. 254.916 (1) (a); or the a person with

1 whom the local health department, state agency or state or local law enforcement
2 agency contracts to conduct investigations authorized under s. 254.916 (1) (a).

3 **SECTION 5.** 254.916 (title) of the statutes, as created by 1999 Wisconsin Act 9,
4 is repealed and recreated to read:

5 **254.916 (title) Investigations.**

6 **SECTION 6.** 254.916 (1) (a) of the statutes, as created by 1999 Wisconsin Act 9,
7 is repealed and recreated to read:

8 254.916 (1) (a) A governmental regulatory authority may conduct
9 unannounced investigations at retail outlets, including tobacco vending machine
10 premises, to enforce compliance with s. 134.66 (2) (a) and (am) or a local ordinance
11 adopted under s. 134.66 (5). The department may contract with a governmental
12 regulatory agency to conduct investigations authorized under this section.

13 **SECTION 7.** 254.916 (1) (c) of the statutes, as created by 1999 Wisconsin Act 9,
14 is amended to read:

15 254.916 (1) (c) No retailer may be subject to unannounced investigations more
16 than twice annually unless the retailer is found to have violated s. 134.66 (2) (a) or
17 (am) during each an investigation.

18 **SECTION 8.** 254.916 (4) of the statutes, as created by 1999 Wisconsin Act 9, is
19 repealed.

20 **SECTION 9.** 254.916 (5) of the statutes, as created by 1999 Wisconsin Act 9, is
21 amended to read:

22 254.916 (5) No evidence obtained during or otherwise arising from the course
23 of an investigation under this section that is used to prosecute a person for a violation
24 of s. 134.66 (2) (a) or (am) or a local ordinance adopted under s. 134.66 (5) may be used
25 in the prosecution of an alleged violation of s. 125.07 (3).

