

1999 DRAFTING REQUEST

Bill

Received: **01/22/99**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget-in**

By/Representing: **Fossum**

This file may be shown to any legislator: **NO**

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Health - social services**

Extra Copies: **DAK, MGG, GMM**

Pre Topic:

DOA:.....Fossum -

Topic:

Synar compliance checks

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	yacketa 01/25/99 yacketa 02/2/99	jgeller 02/2/99	ismith 02/2/99	_____ _____ _____	lrb_docadmin 02/2/99		
/P2	yacketa 02/2/99	jgeller 02/2/99	hhagen 02/2/99	_____ _____	lrb_docadmin 02/2/99		
/P3	yacketa 02/11/99			_____ _____			
/P4		jgeller 02/12/99		_____ _____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P6				<hr/> <hr/>	lrb_docadmin 02/15/99		
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FE Sent For:

<END>

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FE Sent For:

1/2 2/12 jg *2/15* *2/15*
2/15
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FE Sent For:

<END>

1/22/99 5:48:04 PM
Page 1

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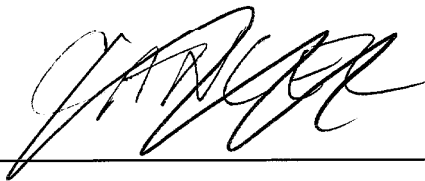
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1/?	yacketa	1/PI jlg 2/1	IS 2/2/99	IS/JF 2/2/99			

FE Sent For:

<END>

CORRESPONDENCE/Memorandum

**State of Wisconsin
Department of Administration**

Date: January 22, 1999

To: Steve Miller, Director
Legislative Reference Bureau

From: Gretchen A. Fossum, Budget Analyst
State Budget Office *SAT*

Subject: Drafting Instructions for the 1999-01 Budget Bill

I am attaching a memo sent to the Governor's staff requesting statutory language regarding uniform Synar compliance checks.

Please include the requested provisions on page two (excluding the two that are crossed out) in the 1999-01 budget bill.

If you have any questions, please contact me at 266-2288.

Post-it* Fax Note	7671	Date	1/22/99	# of pages	3
To	Steve Miller	From	Gretchen A. Fossum		
Co./Dept	LRB	Co.	SBO		
Phone #		Phone #	266-2288		
Fax #	264-8522	Fax #			

January 15, 1999

TO: Bob Wood, Chief of Staff
Governor Thompson

FR: Bob Bartlett, Petroleum Marketers Assoc. of WI
Ed Lump, Wisconsin Restraint Assoc.
Brandon Scholz, Wisconsin Grocers Assoc.
Scott Stenger, Tavern League of Wisconsin
Chris Tackett, Wisconsin Merchants Federation

RE: Retailer support for uniform Synar compliance checks

We represent over 15,000 Wisconsin retailers who sell tobacco products and want to do everything in our power to prevent sales to underage persons. We all support and participate in the We Card program in Wisconsin which educates retailers and their employees on how to prevent underage tobacco sales. We are committed to being a part of the solution to the issue of access to tobacco by underage persons.

As the Governor considers his 1999-2000 biennial budget we would support inclusion of statutory language relating to statewide protocol for a licensing authority or law enforcement agency as they conduct underage compliance checks as required by the Synar Retailer Tobacco Compliance Check Survey rule. Wisconsin retailers want to be on the front lines of this effort and strongly support this proactive effort to curb access to tobacco products by underage persons.

Under the federal Synar requirements Wisconsin is required to conduct statewide compliance surveys to determine the prevalence of illegal retail sales of tobacco products to underage persons. Wisconsin conducted its first annual Synar Retail Tobacco Compliance Check in 1997.

The Bureau of Substance Abuse Services at the Department of Health and Family Services has developed compliance check protocol per federal guidelines provided by the Center for Substance Abuse Services. However, no legal procedural compliance check protocol currently exist in Wisconsin. We support a statewide standard protocol for compliance checks to continue to qualify for federal funding while at the same time securing accurate statewide information related to underage sales of tobacco by Wisconsin retailers to gauge if our education of retailers and employees is working.

We support a state law which would establish a procedure to be followed when conducting compliance checks. We believe by establishing statewide protocol the Department of Health and Family services will be able to gather accurate information to comply with the federal Synar requirements. Our proposal would require the following:

* the licensing authority shall enlist a minor over the age of 15, but under the age of 18 to conduct compliance checks. The licensing authority must obtain the written consent of the minor's parent or legal guardian before the minor participates in the compliance checks;

exclude

* the minor participating in a compliance check shall act solely under the supervision and direction of the licensing authority or law enforcement agency conducting the compliance check;

* before and following each compliance check or shift of compliance checks, the licensing authority or law enforcement agency conducting the compliance check shall take a photograph of all minors who participated in the checks to verify the minor's appearance. The licensing authority shall retain each photograph taken under this provision for at least two years;

* if the minor participating in the inspection is questioned about the minor's age while conducting a compliance check, the minor shall state his/her actual age and end the compliance check;

* the appearance of the minor who is participating in the compliance check shall not be altered in order to attempt to make the person appear to be 18 years of age or older;

* the licensing authority or law enforcement agency conducting the compliance check must inform the retail location and individual who made the sale within one hour of a failed compliance check. The licensing authority or law enforcement agency must show the individual who made the sale the photograph of the minor used in the compliance check at the same time the individual is being informed of the failed compliance check;

exclude

* if the licensing authority, law enforcement agency or minor conducting the compliance check fails to meet all of the requirements for conducting compliance checks, no citation shall be issued or fine imposed for any violations of compliance; and

* if a licensing agency or law enforcement agency conducts a compliance check and finds no violations of compliance the law enforcement agency or licensing authority which conducted the compliance check must send written notice within five days to the retail location informing the location that a compliance check had been conducted and that no violations occurred.

thirty

The benefits of these protocol provide the necessary statewide uniformity to compile the necessary data and information needed to comply with Synar Requirements and ensure Wisconsin continues to receive its full amount of funding from the substance abuse block grant. We pledge to work with the Administration to continue to keep tobacco products out of the mouths of underage persons.

We look forward to working with you on this initiative and please feel free to call on any one of us if you should have any questions.

Miller, Steve

From: Fossum, Gretchen
Sent: Monday, January 25, 1999 8:28 AM
To: Miller, Steve
Subject: Drafting Instructions

On Friday I faxed instructions for drafting related to teenage tobacco compliance checks. Please disregard the instructions. The Governor on Saturday decided NOT to include this in his budget. Thanks.



(now)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1969/P1
AY
JLG

DOA:.....Fossum – Synar compliance checks

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

OTHER STATE GOVERNMENT ✓

(DOA)

This bill requires the department of administration to submit, not later than March 1, 1999, final drafting instructions to the legislative reference bureau, for proposed legislation authorizing the development of a statewide protocol for licensing authorities and law enforcement agencies in conducting compliance surveys to determine the prevalence of illegal retail sales of tobacco products to underage persons. The bill requires the legislation be drafted and submitted to the joint committee on finance not later than March 31, 1999.

(LRB)

(JCF)

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

2

SECTION 9101. Nonstatutory provisions; administration ↓

3

(1) SYNAR COMPLIANCE CHECKS. Not later than March 1, 1999, the department

4

of administration shall submit final drafting instructions to the legislative reference

SECTION 9101

1 bureau for proposed legislation authorizing the development of a statewide protocol
2 for licensing authorities and law enforcement agencies in conducting compliance
3 surveys to determine the prevalence of illegal retail sales of tobacco products to
4 underage persons. The bill shall be prepared and submitted to the joint committee
5 on finance not later than March 31, 1999.✓

6 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1969/P2
TAY:jlg:ijs

TODAY

DOA:.....Fossum - Synar compliance checks

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

The legislative reference bureau (LRB) to prepare legislation based on final drafting instructions submitted to the LRB by the department of administration (DOA);

not later than March 1, 1999

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT
OTHER STATE GOVERNMENT

proposed
Secretary of DOA to submit the legislation to the cochairpersons of the

This bill requires the department of administration (DOA) to submit, not later than March 1, 1999, final drafting instructions to the legislative reference bureau (LRB) for proposed legislation authorizing the development of a statewide protocol for licensing authorities and law enforcement agencies in conducting compliance surveys to determine the prevalence of illegal retail sales of tobacco products to underage persons. The bill requires the legislation be drafted and submitted to the joint committee on finance (JCF) not later than March 1, 1999.

April 1 ✓

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

2 SECTION 9101. Nonstatutory provisions; administration.

3 (1) SYNAR COMPLIANCE CHECKS. Not later than March 1, 1999, the department
4 of administration shall submit final drafting instructions to the legislative reference

The legislative reference bureau shall prepare

1 bureau for proposed legislation authorizing the development of a statewide protocol
 2 for licensing authorities and law enforcement agencies in conducting compliance
 3 surveys to determine the prevalence of illegal retail sales of tobacco products to
 4 underage persons. ~~The bill shall be prepared and submitted to the joint committee~~
 5 ~~on finance not later than March 31, 1999.~~

(END)

based on instructions provided by the department
 of administration. The final instructions
 for this legislation shall be submitted
 by the legislative reference bureau
 by the ~~secretary~~ ^{department} of administration not
 later than March 1, 1999. The secretary
 of administration shall submit the proposed
 legislation to the cochairpersons of the
 joint committee on finance no later than
 April 1, 1999.

NOTE TO DRAFTING FILE for LRB-1969:

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

DOA:.....Fossum - Synar compliance checks

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

Monday a.m.

Do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill requires the legislative reference bureau (LRB) to prepare legislation based on final drafting instructions submitted not later than March 1, 1999, to the LRB by the department of administration (DOA), authorizing the development of a statewide protocol for licensing authorities and law enforcement agencies in conducting compliance surveys to determine the prevalence of illegal retail sales of tobacco products to underage persons. The bill requires the secretary of DOA to submit the proposed legislation to the cochairpersons of the joint committee on finance (JCF) not later than April 1, 1999.

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

2 **SECTION 9101. Nonstatutory provisions; administration.**

3 (1) SYNAR COMPLIANCE CHECKS. The legislative reference bureau shall prepare

4 legislation authorizing the development of a statewide protocol for licensing

1 authorities and law enforcement agencies in conducting compliance surveys to
 2 determine the prevalence of illegal retail sales of tobacco products to underage
 3 persons, based on instructions provided by the department of administration. The
 4 final instructions for this legislation shall be submitted to the legislative reference
 5 bureau by the department of administration not later than March 1, 1999. The
 6 secretary of administration shall submit the proposed legislation to the
 7 cochairpersons of the joint committee on finance no later than April 1, 1999.

8 (END)

SECTION

9101. Effective dates; administration

(#) SECTION 9101 (AUTOREF) takes effect February 28, 1999.

WPO: autoref * on p. 1

CS SYNAR COMPLIANCE CHECK.

of this act



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1969/2

TAY:jlj:jf

DOA:.....Fossum – Synar compliance checks

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill requires the legislative reference bureau (LRB) to prepare legislation based on final drafting instructions submitted not later than March 1, 1999, to the LRB by the department of administration (DOA), authorizing the development of a statewide protocol for licensing authorities and law enforcement agencies in conducting compliance surveys to determine the prevalence of illegal retail sales of tobacco products to underage persons. The bill requires the secretary of DOA to submit the proposed legislation to the cochairpersons of the joint committee on finance (JCF) not later than April 1, 1999.

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

2 **SECTION 9101. Nonstatutory provisions; administration.**

3 (1) SYNAR COMPLIANCE CHECKS. The legislative reference bureau shall prepare
4 legislation authorizing the development of a statewide protocol for licensing

SECTION 9101

1 authorities and law enforcement agencies in conducting compliance surveys to
2 determine the prevalence of illegal retail sales of tobacco products to underage
3 persons, based on instructions provided by the department of administration. The
4 final instructions for this legislation shall be submitted to the legislative reference
5 bureau by the department of administration not later than March 1, 1999. The
6 secretary of administration shall submit the proposed legislation to the
7 cochairpersons of the joint committee on finance no later than April 1, 1999.

SECTION 9401. Effective dates; administration.

8
9 (1) SYNAR COMPLIANCE CHECK. SECTION 9101 (1) of this act takes effect February
10 28, 1999.

11 (END)