

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB805)**

Received: 02/22/2002

Received By: malaigm

Wanted: 02/25/2002

Identical to LRB:

For: Mark Miller (608) 266-5342

By/Representing: Himself

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Health - tobacco

Extra Copies:

Submit via email: YES

Requester's email: Rep.Miller@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Sale of cigarettes to minors; elimination of employee liability

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**Instructions:**

See Attached--eliminate employee liability for selling cigarettes to minors.

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**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>
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***LRBa1325***

FE Sent For:

**<END>**

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/?	malaigm	1 gs 2/22 02	Kyl 2/22	8/1/RS 2/22			

FE Sent For:

<END>

## Malaise, Gordon

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**From:** Miller, Mark  
**Sent:** Thursday, February 21, 2002 6:14 PM  
**To:** Malaise, Gordon  
**Cc:** 'jhausbeck@ci.madison.wi.us'; Sen.Robson; Rep.Lippert  
**Subject:** AB 805 amendments

Please draft the following as independent amendments to AB805/2

1. Delete 134.66 (2m) (c) on page 6, line 17 through page 7, line 3. The intent of this amendment is to remove the penalty for an employee, agent, etc, who sells tobacco products to a minor. Include any other changes needed to accomplish this result.
2. Page 9, line 11, replace "twice" with "four times"
3. Delete sentence that begins on page 10, line 24 and ends on page 11, line 5, to wit: "A person who is investigated...hearing under ch.227 to make that determination."
4. Page 11 line 11, assuming that "strictly" means that a local ordinance can not be any more strict or less strict than state law, change language to require the local ordinance must be at least as strict as state law. The purpose is assure that all local ordinances, if enacted and enforced, will not only accomplish enforcement of state law, but also allow local jurisdictions to adopt stricter ordinances.

### **Mark Miller**

48th Assembly District  
P.O. Box 8953  
Madison, WI 53708  
Phone 608.266.5342, FAX 608.282.3648  
rep.miller@legis.state.wi.us

2001

Date (time) needed

Mon AM

LRBa 1325 / 1

AMENDMENT

(Floor Tiles)

GMM:ejg

See form AMENDMENTS — COMPONENTS & ITEMS.

AMENDMENT

~~TO S A AMENDMENT (LRBa 1),~~  
~~TO S A SUBSTITUTE AMENDMENT (LRBs 1),~~  
 TO 2001 ~~SB SJR SR~~ (AB) ~~AJR AR~~ 805 (LRB- 1)

At the locations indicated, amend the \_\_\_\_\_ as follows:  
(fill ONLY if "engrossed ...." or "as shown by ....." )

- #. Page 1., line 9....: after "prohibitions," insert "eliminating the liability of an employee, agent, or independent contractor for selling or providing for no or nominal consideration cigarette or tobacco products to a minor."
- #. ~~Page ....., line .....~~: nominal consideration

#. ~~Page ....., line .....~~

#. Page 4., line 5...: after that line insert:

#. Page ....., line .....

Section #. 134.66 (2) (a) of the statutes is amended to read:

134.66 (2) (a) No retailer, manufacturer, distributor, jobber or subjobber, ~~no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor~~ may sell or provide for nominal or no consideration cigarettes or tobacco products to any person under the age of 18, except as provided in s. 254.92 (2) (a). A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

History: 1987 a. 336; 1989 a. 31; 1991 a. 95; 1993 a. 210, 312; 1995 a. 352; 1997 a. 214; 1999 a. 9.



Section <sup>IP</sup> 134.66 (2) (am) of the statutes is amended to read:

134.66 (2) (am) No retailer, manufacturer, distributor, jobber, <sup>or</sup> subjobber, ~~no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor~~ may provide for nominal or no consideration cigarettes or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years. ))

History: 1987 a. 336; 1989 a. 31; 1991 a. 95; 1993 a. 210, 312; 1995 a. 352; 1997 a. 214; 1999 a. 9.

# Page 6, line 17: delete lines 17 to 25. ✓

# Page 7, line 1: delete lines 1 to 10. ✓

(END)