

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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January 17, 2001

Senator Robson:

Please review this bill carefully to make sure that it achieves your intent. I made several technical corrections to this bill. Specifically, I added the local ordinance language to s. 254.916 (1) (c) to make it consistent with the rest of the bill. I also amended the definition of "governmental regulatory authority" in s. 254.911 (2) so that it is no longer circular. Is this okay?

I also eliminated the references to the federal tobacco regulations, 21 CFR 897, in s. 254.916 (3) (f) because these regulations no longer exist. The Federal Food and Drug Administration (FDA) withdrew these regulations after the U.S. Supreme Court ruled that the FDA did not have the authority to regulate tobacco products. See *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120 (2000). Also, I corrected an incorrect reference to federal law. Instead of referring to 42 USC 300x-021, s. 254.916 (3) (e) and (f) should refer to 42 USC 300x-21.

If you have any questions or comments, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us