

2003 DRAFTING REQUEST

Bill

Received: 11/06/2003

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Charles Chvala (608) 266-9170

By/Representing: Maribeth Witzel-Behl

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Trade Regulation - cigs/tobacco

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Sale of cigarette lighters and tobacco rolling papers to persons under 18

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>
/?				_____			S&L
/1	mglass 12/11/2003	kgilfoy 12/26/2003	rschluet 12/29/2003	_____	sbasford 12/29/2003	sbasford 02/12/2004 sbasford 02/12/2004	

FE Sent For: *At intro.*

<END>

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Topic:

ban any type of "lighter" now way to know if going to be used for cigs.
Sale of cigarette lighters and tobacco rolling papers to persons under 18 *do not ban matches*

Instructions:

See Attached

see 961.571(1)(b)2

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/? mglass

*1-12/26
King*

*17 22 3/26
<END>*

FE Sent For:

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date November 4, 2003

Legislator, agency, or other person requesting this draft Senator Chvala

Person submitting request (name and phone number) Maribeth 266-9170

Persons to contact for questions about this draft (names and phone numbers) _____

Maribeth Witzel-behl 266-9170

Describe the problem, including any helpful examples. How do you want to solve the problem?

~~Prohibit~~ Prohibit the sale of cigarette lighters and tobacco rolling papers to persons under 18 years old.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

Anyone who asks? YES NO

Any legislator? YES NO

Only the following persons

Angela Shields - Constituent
Stoughton High School Student Council

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3662/4

MGG:KMG

RMR

KMG

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT ^{Gen. Cat.}; relating to ^{the} sale of lighters and cigarette papers to persons under the
2 age of 18 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits the sale of lighters and cigarette papers to persons under the age of 18. The bill also requires persons selling lighters or lighters to the public to post a conspicuous notice stating that sales to persons under ~~age~~ 18 are in violation of this prohibition. The bill allows a defense to a prosecution for a violation of this prohibition if the purchaser falsely represented his or her age by showing an identification card that stated he or she was at least 18, if the purchaser's appearance was such that an ordinary and prudent person would believe ~~he or she~~ was at least 18, and if the sale was made in good faith and reasonable reliance on the purchaser's identification card and appearance.

For further information, see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 134.665 of the statutes is created to read:

1 **134.665 Sale of lighters and cigarette papers to person under 18 years**
2 **of age.** (1) DEFINITION. In this section, “identification card” means any of the
3 following:

4 (a) A license containing a photograph issued under ch. 343.

5 (b) An identification card issued under s. 343.50.

6 (2) RESTRICTION. No person may sell a lighter or cigarette papers to any person
7 under the age of 18 years.

8 (3) NOTICE REQUIRED. A person selling lighters or cigarette papers shall post
9 a notice in a conspicuous place at any site where the lighters or cigarette papers are
10 sold to the public. The notice shall state that the sale of any lighter or cigarette
11 papers to a person under the age of 18 years is unlawful under this section.

12 (4) DEFENSE. Proof of all of the following facts by a person who allegedly sold
13 a lighter or cigarette papers to a person under the age of 18 is a defense to any
14 prosecution for a violation of sub. (2):

15 (a) That the purchaser falsely represented that he or she had attained the age
16 of 18 years and presented an identification card that did not contradict that
17 representation.

18 (b) That the appearance of the purchaser was such that an ordinary and
19 prudent person would believe that the purchaser had attained the age of 18 years.

20 (c) That the sale was made in good faith, in reasonable reliance on the
21 identification card and appearance of the purchaser, and in the belief that the
22 purchaser had attained the age of 18 years.

23 (5) PENALTIES. (a) A person who commits a violation of sub. (2) is subject to a
24 forfeiture of either of the following:



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 29, 2003

MEMORANDUM

To: Senator Chvala

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-3662/1 Sale of cigarette lighters and tobacco rolling papers to persons under 18

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

___ JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3215 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.