



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 93**

1 **AN ACT** *to amend* 134.66 (title), 134.66 (2) (a), 134.66 (2) (am), 254.911 (5),
2 254.916 (2) (intro.), 254.92 (1), 254.92 (2), 254.92 (2m) (intro.) and 254.92 (3);
3 and *to create* 134.66 (1) (f) and 254.911 (3m) of the statutes; **relating to:**
4 minors obtaining tobacco or nicotine products and providing a penalty.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1.** 134.66 (title) of the statutes is amended to read:

6 **134.66** (title) **Restrictions on sale or gift of cigarettes or nicotine or**
7 **tobacco products.**

8 **SECTION 2.** 134.66 (1) (f) of the statutes is created to read:

9 134.66 (1) (f) “Nicotine product” means a product that contains nicotine and is
10 not any of the following:

1 1. A tobacco product.

2 2. A cigarette.

3 3. A product that has been approved by the U.S. food and drug administration
4 for sale as a smoking cessation product or for another medical purpose and is being
5 marketed and sold solely for such an approved purpose.

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

7 134.66 (2) (a) No retailer, direct marketer, manufacturer, distributor, jobber or
8 subjobber, no agent, employee or independent contractor of a retailer, direct
9 marketer, manufacturer, distributor, jobber or subjobber and no agent or employee
10 of an independent contractor may sell or provide for nominal or no consideration
11 cigarettes, nicotine products, or tobacco products to any person under the age of 18,
12 except as provided in s. 254.92 (2) (a). A vending machine operator is not liable under
13 this paragraph for the purchase of cigarettes, nicotine products, or tobacco products
14 from his or her vending machine by a person under the age of 18 if the vending
15 machine operator was unaware of the purchase.

16 **SECTION 4.** 134.66 (2) (am) of the statutes is amended to read:

17 134.66 (2) (am) No retailer, direct marketer, manufacturer, distributor, jobber,
18 subjobber, no agent, employee or independent contractor of a retailer, direct
19 marketer, manufacturer, distributor, jobber or subjobber and no agent or employee
20 of an independent contractor may provide for nominal or no consideration cigarettes,
21 nicotine products, or tobacco products to any person except in a place where no
22 person younger than 18 years of age is present or permitted to enter unless the
23 person who is younger than 18 years of age is accompanied by his or her parent or
24 guardian or by his or her spouse who has attained the age of 18 years.

25 **SECTION 5.** 254.911 (3m) of the statutes is created to read:

1 254.911 **(3m)** “Nicotine product” has the meaning given in s. 134.66 (1) (f).

2 **SECTION 6.** 254.911 (5) of the statutes is amended to read:

3 254.911 **(5)** “Retail outlet” means a place of business from which cigarettes,
4 nicotine products, or tobacco products are sold at retail to consumers.

5 **SECTION 7.** 254.916 (2) (intro.) of the statutes is amended to read:

6 254.916 **(2)** (intro.) With the permission of his or her parent or guardian, a
7 person under 18 years of age, but not under 15 years of age, may buy, attempt to buy
8 or possess any cigarette, nicotine product, or tobacco product if all of the following
9 are true:

10 **SECTION 8.** 254.92 (1) of the statutes is amended to read:

11 254.92 **(1)** No person under 18 years of age may falsely represent his or her age
12 for the purpose of receiving any cigarette, nicotine product, or tobacco product.

13 **SECTION 9.** 254.92 (2) of the statutes is amended to read:

14 254.92 **(2)** No person under 18 years of age may purchase, attempt to purchase,
15 or possess any cigarette, nicotine product, or tobacco product except as follows:

16 (a) A person under 18 years of age may purchase or possess cigarettes, nicotine
17 products, or tobacco products for the sole purpose of resale in the course of
18 employment during his or her working hours if employed by a retailer.

19 (b) A person under 18 years of age, but not under 15 years of age, may purchase,
20 attempt to purchase or possess cigarettes, nicotine products, or tobacco products in
21 the course of his or her participation in an investigation under s. 254.916 that is
22 conducted in accordance with s. 254.916 (3).

23 **SECTION 10.** 254.92 (2m) (intro.) of the statutes is amended to read:

