

1993 Senate Bill 207

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## 1993 WISCONSIN ACT 210

AN ACT *to repeal* 14.017 (2m) and 14.245; *to amend* 14.017 (2), 15.01 (4), 134.66 (2) (a) and 134.66 (3) (intro.); *to repeal and recreate* 14.24; and *to create* 13.098 of the statutes, **relating to:** modifying the sale of cigarettes to persons under the age of 18, the membership of and expanding the duties of the state council on alcohol and other drug abuse, eliminating the citizens council on alcohol and other drug abuse and authorizing positions.

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

**SECTION 1.** 13.098 of the statutes is created to read:  
**13.098 Review of legislation relating to alcohol and other drug abuse.** When legislation that relates to alcohol and other drug abuse policies, programs or services is introduced or offered in the legislature, the state council on alcohol and other drug abuse shall consider the legislation at the soonest meeting of the state council after introduction or offer and shall, if the standing committee of the legislature to which the legislation is referred has not taken action on the legislation, provide the chairperson of the standing committee with a considered opinion of the effect and desirability as a matter of public policy of the legislation.

**SECTION 2.** 14.017 (2) of the statutes is amended to read:

14.017 (2) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the state superintendent of public instruction, the secretary of health and social services, the commissioner of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a con-

sumer representing the public at large, ~~who shall be elected by the citizens council on~~ with demonstrated professional, research or personal interest in alcohol and other drug abuse ~~under s. 14.245~~ problems, appointed for 4-year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin county human service association, inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

**SECTION 3.** 14.017 (2m) of the statutes is repealed.

**SECTION 4.** 14.24 of the statutes is repealed and recreated to read:

**14.24 State council on alcohol and other drug abuse.** The state council on alcohol and other drug abuse shall:

- (1) Provide leadership and coordination regarding alcohol and other drug abuse issues confronting the state.
- (2) Meet at least once every 3 months.
- (3) By June 30, 1994, and by June 30 every 4 years thereafter, develop a comprehensive state plan for alcohol and other drug abuse programs. The state plan shall include all of the following:

(a) Goals, for the time period covered by the plan, for the state alcohol and other drug abuse services system.

(b) To achieve the goals in par. (a), a delineation of objectives, which the council shall review annually and, if necessary, revise.

(c) An analysis of how currently existing alcohol and other drug abuse programs will further the goals and objectives of the state plan and which programs should be created, revised or eliminated to achieve the goals and objectives of the state plan.

(4) Each biennium, after introduction into the legislature but prior to passage of the biennial state budget bill, review and make recommendations to the governor, the legislature and state agencies, as defined in s. 20.001 (1), regarding the plans, budgets and operations of all state alcohol and other drug abuse programs.

(5) Provide the legislature with a considered opinion under s. 13.098.

(6) Coordinate and review efforts and expenditures by state agencies to prevent and control alcohol and other drug abuse and make recommendations to the agencies that are consistent with policy priorities established in the state plan developed under sub. (3).

(7) Clarify responsibility among state agencies for various alcohol and other drug abuse prevention and control programs and direct cooperation between state agencies.

(8) Each biennium, select alcohol and other drug abuse programs to be evaluated for their effectiveness, direct agencies to complete the evaluations, review and comment on the proposed evaluations and analyze the results for incorporation into new or improved alcohol and other drug abuse programming.

(9) Publicize the problems associated with abuse of alcohol and other drugs and the efforts to prevent and control the abuse.

**SECTION 5.** 14.245 of the statutes, as affected by 1993 Wisconsin Act 27, is repealed.

**SECTION 6.** 15.01 (4) of the statutes is amended to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee river revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2) ~~and~~, the privacy council has the powers specified in s. 19.625 ~~and the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24.~~

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

134.66 (2) (a) No retailer, ~~manufacturer or distributor~~ may sell or give cigarettes or tobacco products to any per-

son under the age of 18, except as provided in s. 48.983 (3). 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.

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

134.66 (3) (title) DEFENSE OF RETAILER, MANUFACTURER AND DISTRIBUTOR. (intro.) Proof of all of the following facts by a retailer, ~~manufacturer or distributor~~ who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of sub. (2) (a):

**SECTION 7. Nonstatutory provisions; health and social services.** (1) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE; MEMBERSHIP. (a) Of the 6 members of the state council on alcohol and other drug abuse with demonstrated professional, research or personal interest in alcohol and other drug abuse problems under section 14.017 (2) of the statutes, as affected by this act, the initial members shall be as follows:

1. Five members shall be appointed from the membership on July 2, 1993, of the citizens council on alcohol and other drug abuse under section 14.017 (2m), 1991 stats.

2. One member shall be a consumer representing the public at large who shall have been elected by the citizens council on alcohol and other drug abuse under section 14.245 (1) (f), 1991 stats., and who is serving in that capacity as a member of the state council on alcohol and other drug abuse on the effective date of this subdivision.

(b) Notwithstanding the length of terms specified for the 6 members of the state council on alcohol and other drug abuse with demonstrated professional, research or personal interest in alcohol and other drug abuse problems under section 14.017 (2) of the statutes, as affected by this act, the initial members shall be appointed by the first day of the 3rd month beginning after the effective date of this paragraph for the following terms:

1. Three of the members specified in paragraph (a) 1., for terms expiring on July 1, 1997.

2. Two of the members specified in paragraph (a) 1. and the member specified in paragraph (a) 2., for terms expiring on July 1, 1999.

**SECTION 8. Nonstatutory provisions; health and social services.** (1) SERVICES FOR THE STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. The authorized FTE positions for the department of health and social services are increased by 2.0 FED positions on January 1, 1994, to be funded from the appropriation under section 20.435 (6) (mc) of the statutes, for the performance of services for the state council on alcohol and other drug abuse.