



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0417/P2
JAM:klm

DOA:.....Ziegler, BB0107 - Placement of cigarette, tobacco, nicotine products

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ... relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Restrictions on placement of cigarettes, nicotine products, or tobacco products

This bill allows a retailer to place cigarettes, nicotine products, or tobacco products only in locations that are inaccessible to customers without the assistance of the retailer or the retailer's employee or agent, such as behind the counter or in a locked case. The bill's restriction does not apply to 1) cigarettes, nicotine products, or tobacco products sold in a vending machine; 2) a retail location that generates 75 percent or more of its revenue from sales of cigarettes, nicotine products, or tobacco products, as long as the retail location prohibits anyone under the age of 21 from entering without a parent, guardian, or spouse who has reached that age; or 3) cigars that are placed in a separate, humidity-controlled room in a retail location if the entrance to the room is visible, either directly or by video surveillance, from the check-out area and no person under the age of 21 is permitted to enter the room without a parent, guardian, or spouse who has reached that age. Current law imposes restrictions on sales from a vending machine that this bill does not affect.

A retailer who violates the bill's restriction is subject to the same penalties that apply to violations of other restrictions that apply to retailers of cigarettes or tobacco

products, including 1) a forfeiture of not more than \$500, if the retailer has not committed a previous violation within 12 months; 2) a forfeiture of not less than \$200 nor more than \$500, if the retailer has committed a previous violation within 12 months; and 3) suspension of the retailer's license for a period of time that depends on the number of previous violations committed by the retailer.

The bill also allows a first class city, which currently includes only Milwaukee, to suspend, revoke, or refuse to renew a cigarette and tobacco products retailer license if the retailer violates the bill's restriction, by following the complaint and hearing procedure that exists under current law for certain other violations and activities.

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

SECTION 1. 134.65 (7) (a) 1. of the statutes is amended to read:

134.65 (7) (a) 1. The person has violated s. 134.66 (2) (a), (am), (cm), ~~or~~ (e), or (f), or a municipal ordinance adopted under s. 134.66 (5).

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

134.66 (2) (f) A retailer shall place cigarettes, nicotine products, or tobacco products only in locations that are inaccessible to customers without the assistance of the retailer or the retailer's employee or agent, including behind the counter or in a locked case. This paragraph does not apply to any of the following:

1. Cigarettes, nicotine products, or tobacco products sold from a vending machine.

2. A retail location that receives 75 percent or more of its revenue from sales of cigarettes, nicotine products, or tobacco products, if no person under 21 years of age is permitted to enter the retail location without being accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 21.

3. Cigars placed in an enclosed room in a retail location if no person under 21 years of age is permitted to enter the room without being accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 21, the room

has a separate system for controlling humidity, and the entrance to the room is directly visible or visible by video surveillance from the retail location's register or check-out area.

SECTION 3. 134.66 (4) (a) 1. of the statutes is amended to read:

134.66 (4) (a) 1. In this paragraph, "violation" means a violation of sub. (2) (a), (am), (cm), ~~or (e)~~, or (f) or a local ordinance which strictly conforms to sub. (2) (a), (am), (cm), ~~or (e)~~, or (f).

SECTION 9402. Effective dates; Agriculture, Trade and Consumer Protection.

(1) RESTRICTIONS ON PLACEMENT OF CIGARETTES, NICOTINE PRODUCTS, OR TOBACCO PRODUCTS. The treatment of ss. 134.65 (7) (a) 1. and 134.66 (2) (f) and (4) (a) 1. take effect on the first day of the 7th month beginning after the effective date of this publication.

(END)