



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0418/P2
JAM:emw&wlj

DOA:.....Ziegler, BB0106 - Retailer license for vapor product seller

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

Retailer license requirement for vapor product sellers

This bill requires a person who sells vapor products to obtain an annual cigarette and tobacco products retailer license from the clerk of the city, village, or town where the retailer is located. Current law defines a “vapor product” as a noncombustible product that produces vapor or aerosol for inhalation from the application of a heating element to a liquid or other substance that is depleted as the product is used, regardless of whether the liquid or other substance contains nicotine.

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:

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

134.65 (title) Cigarette, vapor products, and tobacco products retailer license.

SECTION 2. 134.65 (1) of the statutes is renumbered 134.65 (1d) and amended to read:

134.65 (1d) No person shall in any manner, or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes, vapor products, or tobacco products to any person not holding a license as herein provided or a permit under ss. 139.30 to 139.41 or 139.79 without first obtaining a license from the clerk of the city, village or town wherein such privilege is sought to be exercised.

SECTION 3. 134.65 (1a) of the statutes is created to read:

134.65 (1a) In this section:

- (a) "Cigarette" has the meaning given in s. 139.30 (1m).
- (b) "Tobacco products" has the meaning given in s. 139.75 (12).
- (c) "Vapor product" has the meaning given in s. 139.75 (14).
- (d) "Vending machine" has the meaning given in s. 139.30 (14).

SECTION 4. 134.65 (1m) of the statutes is amended to read:

134.65 (1m) A city, village, or town clerk may not issue a license under sub. (1) (1d) unless the applicant specifies in the license application whether the applicant will sell, exchange, barter, dispose of, or give away the cigarette, vapor products, or tobacco products over the counter or in a vending machine, or both.

SECTION 5. 134.65 (1r) of the statutes is amended to read:

134.65 (1r) A city, village, or town clerk may not require an applicant's signature on an application for a cigarette, vapor products, and tobacco products retailer license to be notarized. If a city, village, town, or any department of this state

prepares an application form for a cigarette, vapor products, and tobacco products retailer license, the form may not require an applicant's signature on the form to be notarized.

SECTION 6. 134.65 (4) of the statutes is amended to read:

134.65 (4) Every licensed retailer shall keep complete and accurate records of all purchases and receipts of cigarettes, vapor products, and tobacco products. Such records shall be preserved on the licensed premises for 2 years in such a manner as to insure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized state and local law enforcement officials.

SECTION 7. 134.65 (5m) of the statutes is amended to read:

134.65 (5m) Any person who knowingly provides materially false information in an application for a cigarette, vapor products, and tobacco products retailer license under this section may be required to forfeit not more than \$1,000.

SECTION 8. 134.65 (8) of the statutes is amended to read:

134.65 (8) The uniform licensing of cigarette, vapor products, and tobacco products retailers is a matter of statewide concern. A city, village, or town may adopt an ordinance regulating the issuance, suspension, revocation, or renewal of a license under this section only if the ordinance strictly conforms to this section. If a city, village, or town has in effect on May 1, 2016, an ordinance that does not strictly conform to this section, the ordinance does not apply and may not be enforced.

SECTION 9. 134.66 (1) (g) of the statutes is amended to read:

134.66 (1) (g) "Retailer" means any person licensed under s. 134.65 (1) (1d).

***NOTE: This is reconciled s. 134.66 (1) (g), but no changes have been made to this section because this section unchanged covers the meaning of both LRB drafts. This

SECTION has been affected by drafts with the following LRB numbers: 0376/P2 and 0418/P1.

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

(1) RETAILER LICENSE REQUIREMENT FOR VAPOR PRODUCT SELLERS. The treatment of ss. 134.65 (title), (1), (1a), (1m), (1r), (4), (5m), and (8) and 134.66 (1) (g) takes effect on the 90th day after publication.

****NOTE: 2019 AB 889 was drafted to take effect on the 90th day after publication. Please let me know if this above-drafted effective date is consistent with your intent.

(END)