



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2015 Wisconsin Act 275**  
[2015 Assembly Bill 628]

**Cigarette and Tobacco Products  
Retailer Licenses**

Under **Wisconsin law**, in order to sell cigarettes or tobacco products at retail, a person must be licensed by the city, village, or town (“municipality”) where the sales take place, and a municipality may suspend or revoke a license under certain limited circumstances.

**2015 Wisconsin Act 275** creates a new complaint-driven procedure that allows a first-class city (currently, only the City of Milwaukee) to suspend, revoke, or refuse to renew a cigarette and tobacco products retailer license.

Under the Act, the procedure would be initiated upon filing of a sworn written complaint with the city clerk by any duly authorized city employee. The complaint must be supported by reports from a law enforcement agency and allege at least two separate instances of one or more of the following about the person holding a cigarette and tobacco products retailer license:

- That the licensee violated statutory or municipal regulations relating to sale or provision of cigarettes or tobacco products to minors; placement of cigarette and tobacco products vending machines; or sales of cigarettes without proper tax stamps.
- That the premises of the licensee are disorderly, riotous, indecent, or improper.
- That the licensee has knowingly permitted criminal behavior, including prostitution and loitering, to occur on the licensed premises.
- That the licensee has been convicted of any of the following:
  - Manufacturing, distributing, or delivering a controlled substance or controlled substance analog.
  - Possessing with intent to manufacture, distribute, or deliver a controlled substance or controlled substance analog.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

- Possessing materials with intent to manufacture methamphetamine.
- That the licensee knowingly allows another person to do any of the above actions related to controlled substances or methamphetamine on the licensed premises.

Under the Act, upon filing of a complaint, the city governing body must issue and serve a summons and copy of the complaint to the licensee, commanding the licensee to appear before the city governing body to show cause why the cigarette and tobacco products license should not be revoked, suspended, or not renewed. The Act prescribes the time during which the appearance must be made and allows a complainant and licensee to produce and cross-examine witnesses and to be represented by counsel.

The Act provides that if a licensee does not appear as required by the summons, the allegations of the complaint are to be taken as true, and if the city governing body finds the allegations to be sufficient grounds for revocation or nonrenewal, the license must be revoked or not renewed. If a licensee appears as required and answers the complaint, and, upon a hearing, the city governing body finds the allegations to be true and to be sufficient grounds for suspension, revocation, or nonrenewal, the license must be suspended for not less than 10 days nor more than 90 days, revoked, or not renewed. If the city governing body finds that the allegations of a complaint are untrue, the complaint must be dismissed without cost to the licensee.

Under the Act, the city clerk must give notice of any suspension, revocation, or nonrenewal to the person whose license is suspended, revoked, or not renewed. If a license is revoked, the revocation must be recorded by the clerk and no other cigarette and tobacco products license may be issued to the person whose license was revoked within the 12 months after the revocation, and no portion of any fee paid for a license that is revoked may be refunded. An action of the city governing body relating to a complaint brought under the Act may be reviewed by the circuit court for the county in which the license was issued.

Lastly, the Act states that the uniform licensing of cigarette and tobacco products retailers is a matter of statewide concern. It provides that a city, village, or town may adopt an ordinance regulating the issuance, suspension, revocation, or renewal of a cigarette and tobacco products retailer license only if the ordinance strictly conforms to the licensing statute (s. 134.65, Stats.). If a city, village, or town has in effect on May 1, 2016, an ordinance that does not strictly conform to the licensing statute, the ordinance does not apply and may not be enforced.

*Effective date:* May 1, 2016.

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