



1997 ASSEMBLY BILL 464

July 31, 1997 - Introduced by Representatives BLACK, L. YOUNG, BOCK, R. YOUNG, TURNER, NOTESTEIN, LA FAVE, BAUMGART and BOYLE, cosponsored by Senators CLAUSING and ROESSLER. Referred to Committee on Small Business and Economic Development.

1 AN ACT *to create* 134.655 of the statutes; **relating to:** prohibiting outdoor
2 advertising of cigarettes and other tobacco products and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits any person from displaying outdoors any advertisement that promotes cigarettes or other tobacco products. There are no restrictions on these types of advertisements under current law.

Regulations recently promulgated by the federal food and drug administration (FDA) restrict outdoor advertising of tobacco products within 1,000 feet of a school, a public playground or a playground in a public park. Generally, these regulations take effect on August 28, 1997. Under the federal law, state or local law may not be stricter than the federal regulations unless the federal government grants a waiver. Because the state prohibition is stricter than the federal restriction, federal law requires that the state receive a waiver from the FDA to implement this prohibition. The bill requires the state department of health and family services to request any waiver that is necessary.

Under the bill, a person who displays such an advertisement may be required to pay a forfeiture not to exceed \$1,000. This prohibition does not apply to any person who displays such an advertisement under a written agreement in effect when the prohibition first takes effect. Instead, the bill requires such a person to remove the advertisement from public view upon the expiration of the written agreement.

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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:

1 **SECTION 1.** 134.655 of the statutes is created to read:

2 **134.655 Outdoor advertising of cigarettes and tobacco products. (1)**

3 In this section:

4 (a) "Cigarette" has the meaning given in s. 139.30 (1).

5 (b) "Tobacco products" has the meaning given in s. 139.75 (12).

6 **(2)** Whoever displays on any billboard, placard, vehicle, exterior of a building
7 or other structure or on any other object or place of display located outdoors an
8 advertisement promoting cigarettes or tobacco products is subject to a forfeiture of
9 \$1,000.

10 **(3)** The department of health and family services shall request any waiver that
11 is necessary under 21 USC 360k (b) from the federal government to allow the
12 application of sub. (2).

13 **(4)** Notwithstanding sub. (2), if a written agreement in effect on the effective
14 date of this subsection ... [revisor inserts date], requires a person to display an
15 advertisement that is prohibited by sub. (2), the person shall remove the
16 advertisement before or on the date that the written agreement expires or would be
17 extended or renewed, whichever occurs first.

18 **SECTION 2. Effective date.**

19 (1) This act takes effect on the first day of the 6th month beginning after
20 publication.

21

(END)