

State of Misconsin 1997 - 1998 LEGISLATURE

LRB-2420/2 MGG:kmg&jlg:arm

1997 SENATE BILL 143

April 2, 1997 – Introduced by Senators Adelman, Buettner, Clausing, Risser and Plache, cosponsored by Representatives Duff, Huber, J. Lehman, Lazich, La Fave, Bock, Urban, R. Young, Notestein, Staskunas, Turner, Baldwin, Morris-Tatum and Wasserman. Referred to Committee on Economic Development, Housing and Government Operations.

1 AN ACT to renumber and amend 134.66 (5); to amend 134.66 (4) (a) 1.; and to 2 create 134.66 (5) (b) and (c) of the statutes; relating to: the sale of cigarettes

3 and tobacco products and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a county, town, village or city may enact an ordinance regulating the sale or giving away of cigarettes and tobacco products only if the ordinance is in strict conformity with the state statute regulating these activities. This bill creates an exception to this strict conformity requirement by allowing a county, town, city or village to enact, as part of its ordinance, a prohibition against selling cigarettes or other tobacco products in a manner that results in their being directly accessible to the public. The ordinance may also prohibit a person from selling or giving away tobacco products without directly handing the tobacco product to the purchaser or other recipient.

For further information see the *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. 134.66 (4) (a) 1. of the statutes is amended to read:

1997 – 1998 Legislature

SENATE BILL 143

1	134.66 (4) (a) 1. In this paragraph, "violation" means a violation of sub. (2) (a),
2	(c), (cm), (d) or (e) or a local ordinance which strictly conforms to sub. (2) (a), (c), (cm),
3	(d) or (e) that complies with sub. (5).
4	SECTION 2. 134.66 (5) of the statutes is renumbered 134.66 (5) (a) and amended
5	to read:
6	134.66 (5) (a) A county, town, village or city may adopt enact an ordinance
7	regulating the conduct regulated by this section only if it strictly conforms to this
8	section, except as provided in par. (b). A county ordinance adopted enacted under this
9	subsection does not apply within any town, village or city that has adopted <u>enacted</u>
10	or adopts <u>enacts</u> an ordinance under this subsection.
11	SECTION 3. 134.66 (5) (b) and (c) of the statutes are created to read:
12	134.66 (5) (b) An ordinance enacted under this subsection may contain any of
13	the following:
14	1. A prohibition against the offering for sale of cigarettes or tobacco products
15	by a retailer in a manner that results in their being directly accessible to the public.
16	2. A prohibition against the selling, exchanging, bartering, disposing or giving
17	away of cigarettes or tobacco products by a retailer or a retailer's employe or agent
18	unless the retailer or the employe or agent personally hands over to that person the
19	cigarettes or tobacco products.
20	(c) The prohibitions under par. (b) 1. and 2. may not apply to the sale of
21	cigarettes or tobacco products from vending machines.
22	(END)

- 2 -