

# State of Wisconsin



1997 Senate Bill 313

Date of enactment: April 28, 1998  
Date of publication\*: May 12, 1998

## 1997 WISCONSIN ACT 214

AN ACT to repeal 134.66 (2) (c) and 134.66 (2) (cm) 2. and 3.; to renumber and amend 134.66 (2) (cm) 1.; to amend 134.65 (2) (a), 134.65 (2) (b), 134.66 (2) (a) and 134.66 (4) (a) 1.; and to create 134.66 (2) (am) and 134.66 (2) (cm) 1m. of the statutes; relating to: cigarette and tobacco products retailer license fees, restrictions on the sale of cigarettes or tobacco products from a vending machine and granting rule-making authority.

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

**SECTION 1.** 134.65 (2) (a) of the statutes is amended to read:

134.65 (2) (a) Except as provided in par. (b), upon filing of a proper written application a license shall be issued on July 1 of each year or when applied for and continue in force until the following June 30 unless sooner revoked. The city, village or town may charge a fee for the license is \$5 of not less than \$5 nor more than \$100 per year which shall be paid to the city, village or town treasurer before the license is issued.

**SECTION 2.** 134.65 (2) (b) of the statutes is amended to read:

134.65 (2) (b) In any municipality electing to come under this paragraph, upon filing of a proper written application a license shall be issued and continue in force for one year from the date of issuance unless sooner revoked. The city, village or town may charge a fee for the license is \$5 of not less than \$5 nor more than \$100 per year which shall be paid to the city, village or town treasurer before the license is issued.

**SECTION 3.** 134.66 (2) (a) of the statutes is amended to read:

134.66 (2) (a) No retailer, manufacturer or distributor, jobber or subjobber, no agent, employe or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber and no agent or employe of an independent contractor may sell or give provide for nominal or no consideration cigarettes or tobacco products to any person under the age of 18, except as provided in s. 938.983 (3). A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

**SECTION 4.** 134.66 (2) (am) of the statutes is created to read:

134.66 (2) (am) No retailer, manufacturer, distributor, jobber, subjobber, no agent, employe or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber and no agent or employe of an independent contractor may provide for nominal or no consideration cigarettes or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 5.** 134.66 (2) (c) of the statutes is repealed.

**SECTION 6.** 134.66 (2) (cm) 1. of the statutes is re-numbered 134.66 (2) (cm) 2. and amended to read:

134.66 (2) (cm) 2. Notwithstanding ~~par. (e)~~ subd. 1m., no retailer may place a vending machine within 500 feet of a school.

**SECTION 7.** 134.66 (2) (cm) 1m. of the statutes is created to read:

134.66 (2) (cm) 1m. A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

**SECTION 8.** 134.66 (2) (cm) 2. and 3. of the statutes are repealed.

**SECTION 9.** 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), ~~(e)~~, (cm), (d) or (e) or a local ordinance which strictly conforms to sub. (2) (a), ~~(e)~~, (cm), ~~(d)~~ or (e).

**SECTION 10. Nonstatutory provisions.**

(1) REMOVAL OF VENDING MACHINES. Notwithstanding section 134.66 (2) (cm) 1m. of the statutes, as created by this act, if a written agreement in effect on the effective date of this subsection that is binding on a vending machine operator requires the placement of the vending machine operator's vending machine in a location that is prohibited under section 134.66 (2) (cm) 1m. of the statutes, as created by this act, the vending machine operator shall remove the vending machine on or before the date that the written agreement expires or would be extended or renewed, whichever occurs first.

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