

SALES RESTRICTIONS

WISCONSIN

As of 10/26/94...

ADAMHA COMPLIANCE:

No state law exists mandating reporting to meet federal ADAMHA requirements.

MINORS—18:

Prohibits the sale or distribution of tobacco products to minors.

It is a defense to prosecution for a retailer if purchaser presented "identification card" and appearance was that of person at least 18 years of age. "Identification card" is defined as cards issued under s. 343.50 or s. 125.08.

Prohibits the purchase or attempt to purchase tobacco products by minors.

Prohibits the possession of tobacco products by minors.

Exempts minors from purchase and possession prohibition if during the course of employment during working hours and employed by a licensed retailer.

Violators will be subject to a fine of up to \$500 for first offense in one year, \$200-500 and/or suspended license for 3 days for second offense, license suspended for 3-10 days for third offense, license suspended for 15-30 days for fourth offense within one year.

[Senate Bill 155, 1991; Stat. Ann. Section 48.983(2)(a) and (3).]

SIGN REQUIREMENTS:

State law requires a sign to be posted in retail establishments that states that the sale of any cigarette or tobacco product to a person under 18 is unlawful. Vending machines must have a sign posted on them that says the purchase of tobacco products is unlawful and purchaser will be subject to a fine up to \$25. [Stat. Ann. 134.66(2)(b)(1) and (2)(b)(2).]

LICENSE REQUIREMENTS:

State law requires a license from the Department of Revenue issued through the municipal clerk for the retail sale of tobacco products and for tobacco vending machines. [Stat. Ann. Section 50.51(1) and (2), 139.30 and 139.34.]

VENDING MACHINE RESTRICTIONS:

State law prohibits the location of tobacco vending machines within 500 feet of a school. [Senate Bill 155, Act 95, 1991; Stat. Ann. Section 134.66.]

PREEMPTION:

State law says "A county, town, village or city may adopt an ordinance regulating the conduct regulated by this section (48.983) only if it strictly conforms to this section." [Stat. Ann. Section 48.983(5).]

On 10/27/94, Wisconsin Circuit Court judge ruled from the bench that a local

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ordinance (Fond du Lac) was preempted by state law. The local ordinance prohibited self-service displays and sale of single cigarettes; plus, it provided local enforcement for sales to minors provisions of state law.
[U.S. Oil, et al., vs. City of Fond du lac, Case No. 94-CV 311, 1994.]

OTHER:

State law prohibits the sale of cigarettes without package or container containing tax stamp. [Assembly Bill 295, Act 312, 1994.]

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WYOMING

As of 10/26/94...

ADAMHA COMPLIANCE:

No state law exists mandating reporting to meet federal ADAMHA requirements.

MINORS--18:

Prohibits the sale or distribution of tobacco products to minors. Violators will be guilty of a misdemeanor punishable by a fine up to \$50. It is a defense to prosecution if "the person" reasonably relied on an identification card.

Prohibits the purchase or attempt to purchase tobacco products by minors. Violators will be guilty of a misdemeanor punishable by a fine up to \$25.

Prohibits the possession of tobacco products. Violators will be guilty of a misdemeanor punishable by a fine up to \$25.

Exempts minors from possession prohibition if minor is in the home of or under the supervision of parent/guardian.

[Stat. Section 14-3-301, 14-3-302, 14-3-304 and 14-3-305.]

SIGN REQUIREMENTS:

State law requires a sign to be posted at or near every display of tobacco products and on or upon every vending machine. Sign must "contain statement communicating that the sale of tobacco products to persons under 18 is prohibited." Failure to post signs will result in a fine of \$50. [Stat. Section 14-3-303.]

LICENSE REQUIREMENTS:

State law requires a "wholesale license" and retail sales and vending machine sales fall within definition of "wholesale." Department of Revenue issues licenses for a fee of \$10. [Stat. Article 1, Section 39-6-101 and 39-6-102.]

VENDING MACHINE RESTRICTIONS:

State law restricts the location of tobacco vending machines to places inaccessible to minors, businesses/factories not open to general public, and to businesses where alcoholic beverages are sold and minors are not permitted. Violators will be guilty of a misdemeanor punishable by a fine up to \$50. [Stat. Section 14-3-303.]

PREEMPTION:

State law says "this article (Article 3, Sections 14-3-301 through 306) shall not be construed to prohibit the imposition by local law or ordinance of further regulation or prohibition upon the sale, use and possession of tobacco products to any person under 18 years of age." [Stats. Section 14-3-306.]

State law also authorizes local government entities to require license and suspend or revoke license. [Stat. Ann. Section 14-3-306.]

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OTHER:
None.

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