



DIVISION OF PUBLIC HEALTH

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Dear Law Enforcement Professional:

I am writing to inform you about a recent addition to the Wisconsin Wins tobacco compliance program. Wisconsin Wins investigations, which check retailer compliance on Wisconsin Statute § 134.66, include nicotine products (i.e., e-cigarettes).

Through this statewide youth tobacco compliance program, checks are conducted throughout the year in collaboration with local health departments, community agencies and local law enforcement. These checks are authorized by Wisconsin Statute § 254.916 and help ensure that Wisconsin complies with the federal requirement that all states maintain a youth tobacco access rate under 20%.

The laws related to youth purchase, possession and access of e-cigarettes state the following:

WI Statute 134.66 (2) (a) states no retailer may sell cigarettes, nicotine products or tobacco products to any person under the age of 18. WI Statute 254.92 (2m) states no person may purchase cigarettes, tobacco products, or nicotine products on behalf of, or to provide to, any person who is under 18 years of age. WI Statute 254.92 (2) states no person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product.

According to WI Statute 134.66 (1) (f), the definition of "nicotine product" is a product that contains nicotine and is not any of the following: 1) A tobacco product, 2) A cigarette, or 3) A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product.

Because e-cigarettes contain nicotine, they are covered by both state statutes 134.66 and 254.92. Specifically, it is illegal for anyone to sell or provide e-cigarettes with nicotine to anyone under age 18. It is also illegal for anyone under age 18 to purchase or possess e-cigarettes with nicotine.

A retailer that violates WI Statute 134.66 may be subject to penalties identified in WI Statute 134.66 (4). Any person who violates WI Statute 254.92 (2m) may be subject to penalties listed in 254.92 (2m) (a-d).

If you have any questions regarding Wisconsin Wins or would like contact information for the local Wisconsin Wins coordinator in your area, contact Nancy Michaud, Youth Access Program Coordinator at 608-266-0181 or nancy.michaud@wisconsin.gov.

Sincerely,

A handwritten signature in cursive script that reads "Vicki Huntington".

Vicki Huntington
Section Chief
Tobacco Prevention and Control Program
Wisconsin Division of Public Health