



Legislation Text

File #: 121634, Version: 0

121634
ORIGINAL

THE CHAIR

An ordinance relating to sale of cigarettes and tobacco products.

106-30-1-d am
106-30-2-a am
106-30-3-b rp
106-30-3-c rp
106-30-3-d ra
106-30-3-e rn

This ordinance amends code provisions relating to the sale of cigarettes and tobacco products to make the provisions consistent with state and federal law prohibiting the sale of cigarettes and tobacco products from vending machines. The ordinance also repeals obsolete provisions relating to the sale of cigarettes and tobacco products from vending machines.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 106-30-1-d of the code is amended to read:

106-30. Sale of Tobacco to Persons Under 18.

1. DEFINITIONS. In this section:

d. "Tobacco products" means: cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include cigarettes, as defined under ~~[[s.139.30(1)]]~~ >>s.139.30(1m)<< , Wis. Stats.

Part 2. Section 106-30-2-a of the code is amended to read:

106-30. Sale of Tobacco to Persons Under 18.

2. PROHIBITION. a. No retailer may sell or give to any person under the age of 18 any cigarette or tobacco products at any time ~~[[, except as provided in s. 254.92(2(a)), Wis. Stats. A vending machine operator is not liable under this section 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]].~~

Part 3 Section 106-30-3-b and c of the code is repealed.

Part 4 Section 106-30-3-d is renumbered 106-30-3-b and amended to read:

3. REGULATIONS.

b. 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]]~~ >>, except in a facility where individuals under the age of 18 are not present or permitted at any time, as provided in s. 21 CFR Part 1140<<.

Part 5 Section 106-30-3-e is renumbered 106-30-3-c.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB145619-1

Teodros W. Medhin:lp

3/4/2013