



TO: Wisconsin Senators
 DATE: March 2, 2020
 RE: Legislative action needed to allow enforcement of federal tobacco 21 law

As session comes to a close, we want to alert you to one proposal that is critical for the health of our youth— AB 422/SB 364. **This bi-partisan legislation is still necessary despite a recent federal law change. Without state action, more specifically the passage of these bills, local law enforcement cannot enforce the new age restriction and federal grant dollars may be at risk. Additionally, state action will eliminate confusion amongst retailers faced with conflicting state and federal laws and help all retailers act responsibly.**

AB 422/SB 364 is a bi-partisan bill with broad stakeholder support. Assembly Bill 422 passed the full Assembly on a voice vote on February 20, 2020. As amended, the bill ties Wisconsin's minimum sales age to the federal minimum sales age (which is currently 21). We support the bill as amended and ask for your support.

You may have heard this policy passed Congress and was signed by the President on December 20, 2019. That is true, and the policy was effective immediately. However, it quickly became apparent that local law enforcement does not have the authority to enforce that federal policy, and that there is great confusion among retailers and their customers.

That is why law enforcement, retailers, health groups and school leaders are asking for the Legislature to act to clear up this confusion before session ends.

In Wisconsin, local law enforcement officials have the authority to enforce local ordinance and state law; they do not have the authority to enforce federal law. To give them the authority to enforce this federal policy, we must change state law to mirror federal law.

Enforcement of the new age requirement is important not only because of the impact it will have on youth usage, but also because Wisconsin's Substance Abuse and Treatment block grant is tied to

state compliance. States risk losing up to 10% of their block grant if compliance falls below 80%. In Wisconsin, 10% of our block grant would be approximately \$2.7 million annually.

In February, there were several media reports on the need for a state law change. Here are just some of the stories:

- “WI police can’t enforce new tobacco 21 law without state law change; change proposed”
Racine Journal Times
- “WI can’t enforce tobacco age 21 because of state law” WKOW- Ch. 27 Madison
- “Some local confusion after federal passage of new minimum age for tobacco purchases”
WSAW- Ch 7 Wausau
- “‘The timing is really tricky’, Unclear how WI should enforce federal smoking age change” -
Fox 6 Milwaukee
- “Rise in tobacco sales age to 21 leaves enforcement questions” WISN Ch. 12 Milwaukee

It is critical that the Legislature advance AB 422/SB 364 this session, to ensure local enforcement, reduce the risk of lost federal dollars, and alleviate confusion. Without local enforcement, we will not have the impact on youth usage that we need. **We ask you to advance AB 422/SB 364 and bring it to a floor vote in March.**

If you have questions, please contact Nicole Hudzinski, American Heart Association, at nicole.hudzinski@heart.org or 608-225-4042.

Advocate Aurora Health	WI Dental Association
American Heart Association	WI Grocers Association
Ascension Wisconsin	WI Medical Society
Association of WI School Administrators	WI Petroleum Marketers and Convenient Store Assn
Children’s Hospital of Wisconsin	WI Primary Health Care Association
Marshfield Children’s Hospital	WI Retired Educators Association
Marshfield Clinic Health System	WI Rural School Alliance
Medical College of Wisconsin	
Southeastern WI Schools Alliance	
SSM Health	
UW Health	
UW Health- American Family Children’s Hospital	
Walmart	
WI Academy of Family Physicians	
WI Association of School Boards Inc.	
WI Association of School Business Officials	
WI Association of School District Administrators	
WI Association of School Nurses	
WI Association of School Personnel Administrators	
WI Chapter of the American Academy of Pediatrics	
WI Council of Administrators of Special Services	