

11.09 Purchase or Possession of Cigarettes, Nicotine Products, or Tobacco Products by Person under 18 Prohibited.

- (1) “Cigarette,” “nicotine product,” and “tobacco product” have the meanings given in Municipal Code §11.095(1)(a), (g) and (l).
- (2) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, or tobacco product.
- (3) No person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product except as follows:
 - (a) A person under 18 years of age may purchase or possess cigarettes, nicotine products, or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer.
 - (b) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, nicotine products, or tobacco products in the course of his or her participation in an investigation under Wis. Stats. §254.916 that is conducted in accordance with Wis. Stats. §254.916(3).
- (4) 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. Any person who violates this subsection may be:
 - (a) Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.
 - (b) Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.
 - (c) Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.
 - (d) Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.
- (5) A law enforcement officer shall seize any cigarette, nicotine product, or tobacco product that has been sold to and is in the possession of a person under 18 years of age.
- (6) This ordinance is created pursuant to the authority given in Wis. Stats. §254.92(4), which requires that this ordinance be in strict conformity with the terms of §254.92. Therefore, this ordinance shall be deemed amended to conform to the terms of Wis. Stats. §254.92, or its successors, as necessary to remain at all times in compliance therewith.