

CHAPTER 32

PHARMACISTS' PERMITS; CIGARETTE SALES

32.01	Pharmacists' Permits
32.02	Cigarette Sales

32.01 PHARMACISTS' PERMITS

- (a) **INTOXICATING LIQUOR PERMIT.** A permit for the sale of intoxicating liquor pursuant to §125.57 of the Wisconsin Statutes may be granted to a registered pharmacist upon action by the Village Board. A separate application for each premises shall be made to the Village Clerk upon forms provided by him.
- (b) **PERMIT FEE.** Upon the approval of the application by the Village Board, the Village Clerk shall, upon filing by the applicant of a receipt showing the payment to the Village of a permit fee of \$10.00, issue to the applicant a permit.
- (c) **PERMITS TO BE NUMBERED.** Each permit shall be numbered in the order in which issued and shall specifically state the premises for which issued, the fee paid and the name of the licensee.

State Law Reference: §125.57, Wis. Stats.

32.02 CIGARETTE SALES

- (a) **SALES TO PERSONS UNDER 18.** No person, firm or corporation shall, directly or indirectly, or upon any pretense, or by any device sell, give away or otherwise dispose of to any person under the age of 18 years any cigarettes, cigarette paper or cigarette wrappers, or any substitute therefore.
- (b) **LICENSE REQUIRED.** No person, firm or corporation shall in any manner, directly or indirectly, upon any premises, or by any device sell, exchange, barter, dispose of, or give away, or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute therefore, without first obtaining a license as hereinafter provided. The annual fee for such license shall be \$5.00 and shall be valid from July 1st to June 30th. All cigarette licenses shall be signed by the Village Clerk and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business. Upon payment of a fee of \$5.00, a license issued hereunder may

be transferred from the licensee to another owner, but no license shall be transferable as to the location of the licensee's premises.

- (c) **STATE STATUTE ADOPTED.** Section 134.65, Wis. Stats., is hereby incorporated by reference.

State Law Reference: § 134.65, Wis. Stats.

Cross Reference: Sec. 44.08, Municipal Code of Ordinances

32.03 VAPOR PRODUCT SALES

- (a) **DEFINITIONS.** The following definitions shall apply to this Section:

- (1) "Electronic Delivery Device" shall include any component part of such a Vapor Product whether or not sold separately but shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.
- (2) "Minor" shall mean an individual who is less than eighteen (18) years.
- (3) "Vape" or "Vaping" shall mean the act of simulate cigarette smoking through the use of a Vapor Product.
- (4) "Vapor Product" shall mean any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product, including, but not limited to, "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking.

- (b) **SALE OF VAPOR PRODUCTS TO PERSONS UNDER AGE 18 PROHIBITED.**

- (1) No person, firm or corporation shall, directly or indirectly, or upon any pretense, or by any device sell, give away or otherwise dispose of to any person under the age of 18 years any Vapor Product.
- (2) Subsection (1) of this section does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of the minor's employment.
- (3) Before selling, offering for sale, giving, or furnishing a Vapor Product to an individual, the person providing the Vapor Product shall verify that the person receiving the Vapor Product is at least eighteen (18) years of age by doing one (1) of the following:
 - a. Examining a government-issued photographic identification that establishes that the individual is at least eighteen (18) years of age.

- b. For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is eighteen (18) years of age or older.

(c) **PURCHASE OR POSSESSION OF VAPOR PRODUCTS BY PERSONS UNDER AGE 18 PROHIBITED.** No person under the age of 18 shall purchase, attempt to purchase or possess any Vapor Product unless otherwise exempt under the provisions of Sec. 44.08(c)(2) of this Code.

(d) **PENALTIES.** The penalties for the violation of the provisions hereof shall be those penalties set forth in Sec. 44.08(e) of this Code.

Cross Reference: Sec. 44.08, Municipal Code of Ordinances