

2017 Wisconsin Wins Tobacco & Nicotine Compliance Report

City of Madison

The Wisconsin Wins program is an evidence-based tobacco control program funded by the Wisconsin Department of Health Services and gives the Tobacco Free Columbia-Dane County Coalition the authority to conduct unannounced tobacco and nicotine compliance checks at retailers selling these products. During compliance checks, an underage person will attempt to purchase tobacco and/or nicotine products from the retailer, even if the business is intended for only adults (e.g. liquor stores, bars, tobacco shops).

In 2017, 138 compliance checks were conducted in the City of Madison for the sales of tobacco and nicotine products to minors. The inspections resulted in 18 sales of tobacco/nicotine products to youth for a compliance rate of 87% or an 13% sales rate. Inspections are stratified for vendor type below.

STATE STATUTES 134.66 & 254.92

Prohibits the sale of tobacco and nicotine products, such as e-cigarettes and e-juice, to anyone under the age of 18. Retailers who sell to minors in Madison can receive fines up to \$500. Both the retailer and the clerks who make the illegal sales are subject to citation fines.

Under the same statutes, it is REQUIRED that everyone who sells tobacco completes a state-approved tobacco training and has proof of completion on file at the business. Free training is available at www.WITobaccoCheck.org. This simple web training tool makes meeting the state's training requirement easy.

Vendor Type	Number of Inspections	Number of Sales	Sales Rate (%)	Compliance Rate (%)
Gas/ Convenience	67	11	16	84
Liquor	20	0	0	100
Grocery	14	2	14	86
Pharmacy	12	3	25	75
Department Store	1	0	0	100
Bar/ Restaurant	12	1	8	92
Tobacco/ Vape Shop	12	1	8	92
Total	138	18	13	87



HISTORICAL TRENDS AND CONCERNS

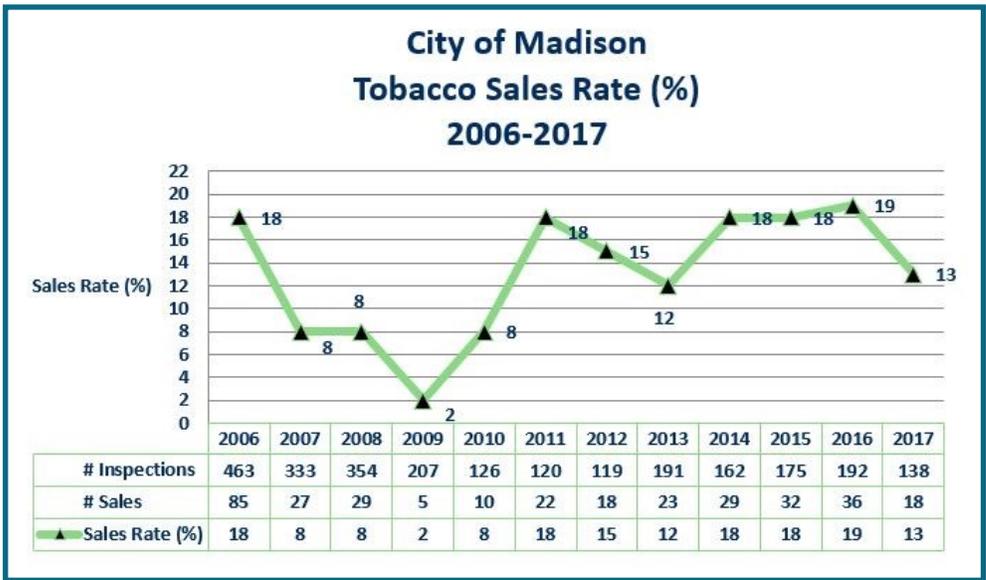
While the sales rate for 2017 dropped by six percentage points from last year, approximately one in eight of our inspectors were able to get their hands on tobacco products. This is worrisome because the Campaign for Tobacco Free Kids estimates about 2,600 kids under the age of 18 in Wisconsin become new daily smokers every year.

NO ID CHECKED FOR SOME OF SALES

Five out of the 18 sales of tobacco occurred when an ID was not asked for or checked by the retail clerk. This is problematic because state and federal laws require that retail clerks check identification of anyone trying to purchase tobacco and nicotine products who look under the age of 27. Retail clerks are considered the first line of defense when it comes to youth access to these products and should be asking to see an ID and checking it correctly.

INCREASE IN FORFEITURE FEE FOR 2018

Last year, Madison experienced the highest tobacco sales rate in over a decade. TFDCDC explored reasons why this occurred and why, historically, Madison has had a higher sales rate than the rest of the county. After some research, TFDCDC found that Madison actually had one of the lowest sales to minor forfeiture fees in the entire state. The forfeiture base fee was only \$10 and with the added court costs, the total for a first offense citation was only \$73.60. After educating stakeholders about the benefits of raising the forfeiture fee, Madison's Common Council voted to raise the forfeiture to the county base fee of \$75 (with court costs, the total is \$155.50) for the first offense citation. With continued education and promotion of Wisconsin's Tobacco Check website, we hope the increased citation fee will help drive down the illegal sales of tobacco and nicotine products to young people.



LOOKING TO THE FUTURE

TFDCDC will continue to educate retail owners and clerks about the importance of eliminating youth access to tobacco and nicotine products. TFDCDC will also work closely with local leaders and law enforcement to ensure youth access laws are being enforced.

The majority of tobacco and nicotine retailers in the City of Madison should be congratulated for consistently checking identification and refusing to sell to minors.