

2018 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 2018, 123 compliance checks were conducted in the City of Madison for the sales of tobacco and nicotine products to minors. The inspections resulted in one sale of tobacco/nicotine products to youth for a compliance rate of 99% or an 1% 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 <https://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	63	1	2	98
Liquor	15	0	0	100
Grocery	14	0	0	100
Pharmacy	12	0	0	100
Department Store	2	0	0	100
Bar/ Restaurant	11	0	0	100
Tobacco/ Vape Shop	6	0	0	100
Total	123	1	13	99



HISTORICAL TRENDS AND CONCERNS

The sales rate for 2018 dropped to it's lowest total since 2009, with only 1 sale in 123 inspections. We applaud retail clerks for not selling to minors, 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.

RETAIL CLERKS

Retail clerks are considered the first line of defense when it comes to youth access to tobacco products and should be asking to see an ID and checking it correctly. 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

INCREASE IN FORFEITURE FEE FOR 2018

In 2017, Madison experienced the highest tobacco sales rate in over a decade, and historically has had a higher sales rate than the rest of the county. After some research, TFCDC found that Madison had one of the lowest sales to minor forfeiture fees in the State of Wisconsin. 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, including a potential reduction in sales to minors, 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. This new citation fee for business owners went into effect in 2018. With the new forfeiture fee, continued education and promotion of Wisconsin's Tobacco Check website (<https://witobaccocheck.org>), and retailers commitment to stopping sales to minors, we believe the City of Madison sales rate can stay low in the years to follow.

City of Madison
Tobacco Sales Rate (%)
2006-2018



FREE RETAILER TRAINING

Tobacco retail owners and clerks can take the free retailer training by going to:

<https://witobaccocheck.org>

Ten minutes is all it takes to complete the state-approved training and learn how to avoid underage tobacco sales.