



June, 2021

WI Wins in Franklin

Franklin WI—In 1995, the City of Franklin Health Department was the one of the first departments in Wisconsin to conduct youth tobacco compliance checks. Fast forward over 25 years and the entire state is on board. Wisconsin Wins, a science-based, state-level, initiative to decrease youth access to tobacco products, uses positive reinforcement to reduce illegal tobacco sales to youth under 21. Through this program, tobacco clerks are rewarded for following the law and keeping tobacco out of the hands of our youth.

Through the Wisconsin Wins program, Franklin teens act as “undercover shoppers” and attempt to purchase tobacco products under the guidance of a health department staff member. Franklin has a historically high compliance rate. In 2018 and 2019, 100% of retailers checked did not sell tobacco to minors. Due to various COVID-19 related challenges and concerns, compliance checks for the year 2020 were put on hold, but are set to resume in 2021. Focus has been placed on retailer education and community outreach—especially related to the new federal Tobacco 21 law.

In late December 2019, the federal Tobacco 21 legislation was signed into law, raising the federal minimum age of sale of tobacco products from 18 to 21 years. The U.S. Food and Drug Administration (FDA) stated the law went into effect immediately, saying: “It is now illegal for a retailer to sell any tobacco product – including cigarettes, cigars and e-cigarettes – to anyone under 21.” Tobacco 21 applies to all retailers in the U.S. (including all states, U.S. territories, and tribal jurisdictions). There are no phase-ins or exemptions (e.g., grandfathering for 18- to 20-year-olds or exemption for military service members).

The job of the clerk is harder than ever. Clerks no longer have to refuse the sale of just cigarettes to minors, but a variety of other products including chewing tobacco, snus, cigar’s, little cigars, cigarillos, electronic cigarettes, and hookah products. Many of these products are candy-flavored and do not have to be located behind the counter.

Selling tobacco products to individuals under 21 is illegal and has serious consequences, like fines or loss of license. The intent of compliance checks is to encourage all tobacco retailers to comply with the law and not sell tobacco products to individuals under 21. Free training, funded by Wisconsin’s Tobacco Prevention and Control Program, is available at www.witobaccocheck.org. We all benefit when retail employees know the law. Better trained clerks mean fewer illegal sales—which results in fewer fines for clerks and retailers.

Almost 3,000 Wisconsin teens start smoking every year. It is imperative that we continue to work together to prevent youth’s access to tobacco products to keep our children and environment safe.