



## **Guidelines for Purchasing E-Cigarettes During WI Wins Compliance Checks**

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As of January 1, 2015, e-cigarettes containing nicotine may be purchased during WI Wins compliance checks.

### **General Guidelines**

- No more than 20% of your contracted checks may be comprised of attempts to purchase e-cigarettes.
- Suggested amount to spend on product - around \$8.00 - about the same as a pack of cigarettes.
- Purchased product must contain nicotine and be labeled as such.
- Retailers do not have to obtain a license to sell e-cigarettes (nicotine products).
- Add local vape shops to your retailer list, but make a note if they do not have a tobacco license.

### **The Law**

- Wis Stat.134.66 – No retailer may sell cigarettes, nicotine products, or tobacco products to any person under the age of 18.
  - A “nicotine product” means a product that contains nicotine and is not any of the following:
    1. A tobacco product.
    2. A cigarette.
    3. A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.
  - This means a person must be 18 years of age to purchase all types of e-cigarettes that contain nicotine.
- Wis Stat. 254.916 – A governmental regulation authority may conduct unannounced investigations at retail outlets to enforce compliance with s. 134.66.
  - A “retail outlet” means a place of business from which cigarettes, nicotine products, or tobacco products are sold at retail to consumers.
  - This means vape shops may be included in compliance checks even though they do not need a tobacco license to sell nicotine products.

### **Type of Product to Purchase**

- At Convenience Store/Gas Station (i.e. Kwik Trip), Pharmacy (i.e. Walgreens), Discount Store (i.e. Walmart), Tobacco Outlet purchase:
  - Disposable E-Cigarette
    - Common brands include blu, Njoy, FIN
    - Average cost = \$7-9.00
- At Vape Shops purchase:
  - E-juice/e-liquid cartridge (candy flavored)
    - Average cost = \$6-8.00

### **Be Prepared**

- Prepare youth prior to going out on compliance checks using the “Preparing Youth – E-Cigarettes & WI Wins” document.
- Adult coordinators may want to survey the retail outlet prior to a check, especially when checking a vape shop, to see what products they sell and where the products are located.
- Vape shops use high pressured sales tactics, so be sure to talk to youth about this. Remind them to go in and look for e-juice bottles that are accessible and within the \$6-8.00 range. If they are all kept behind the counter, ask for candy flavored e-juice and nothing else. They may be asked to sample products. If so, youth must respond by saying, “No thanks, I just want to purchase the e-juice.”
- Remind youth to give the adult coordinator the product immediately upon returning to the car. Store products in an individual sealable bag.

### **Law Enforcement**

- Contact local law enforcement to discuss the plan to include e-cigarettes in 2015 WI Wins compliance checks.