



October 7, 2026

Tobacco Policy Landscape in Wisconsin

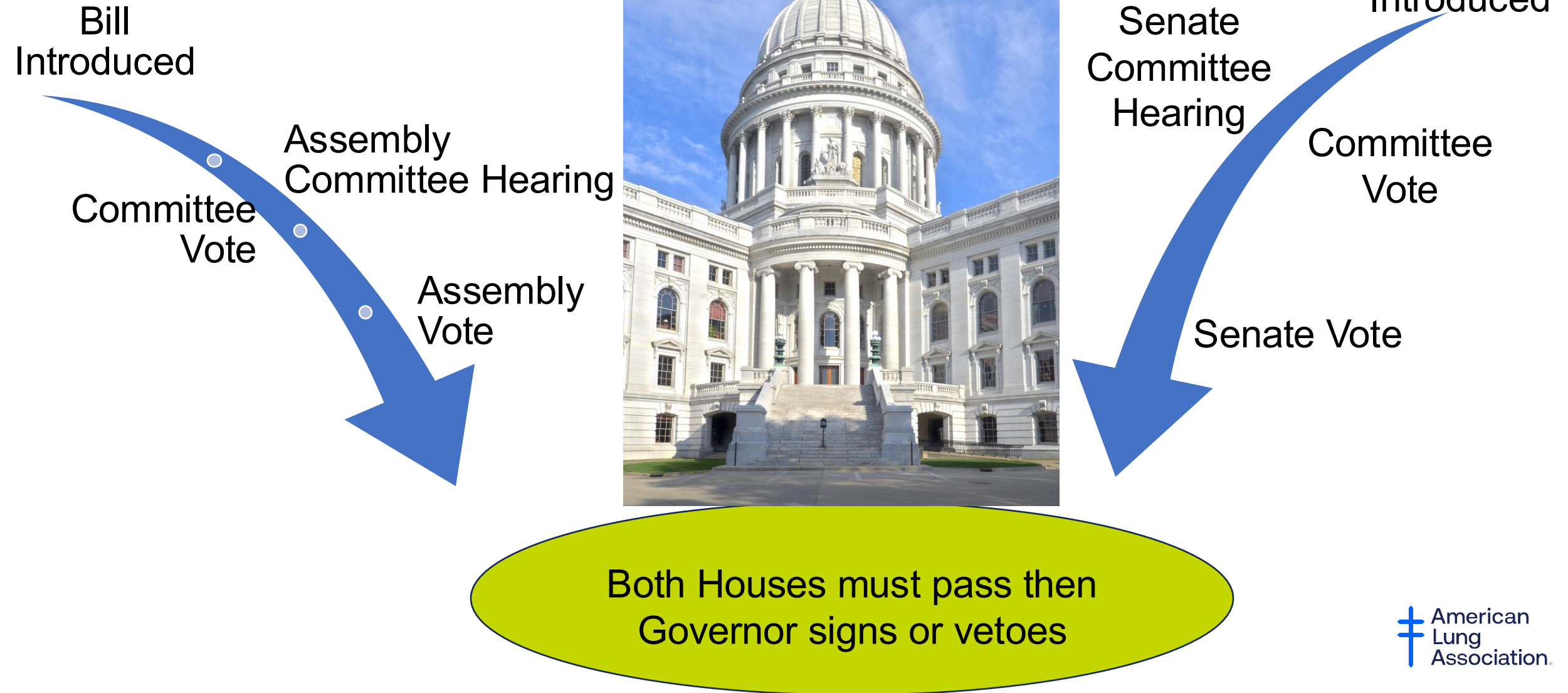
Molly Collins

Director of Advocacy, WI & SD





Process



Landscape (2025 Session)

- Session was January 2025-March 2026
- Divided government (Republican control of both legislative houses; Democrat Governor)
- Bill is introduced with bipartisan support = problem for veto
- Efforts to create loopholes in the state's robust smokefree air law was our radar from 2023 session.
- Concerns about getting Tobacco 21 through the State Senate Republican Caucus also known from prior sessions.

Tobacco 21

- Passed by Congress & signed by President Trump in 2019
- Since then, 44 states have passed their own laws to allow retail sales enforcement
- Wisconsin has not yet updated our law

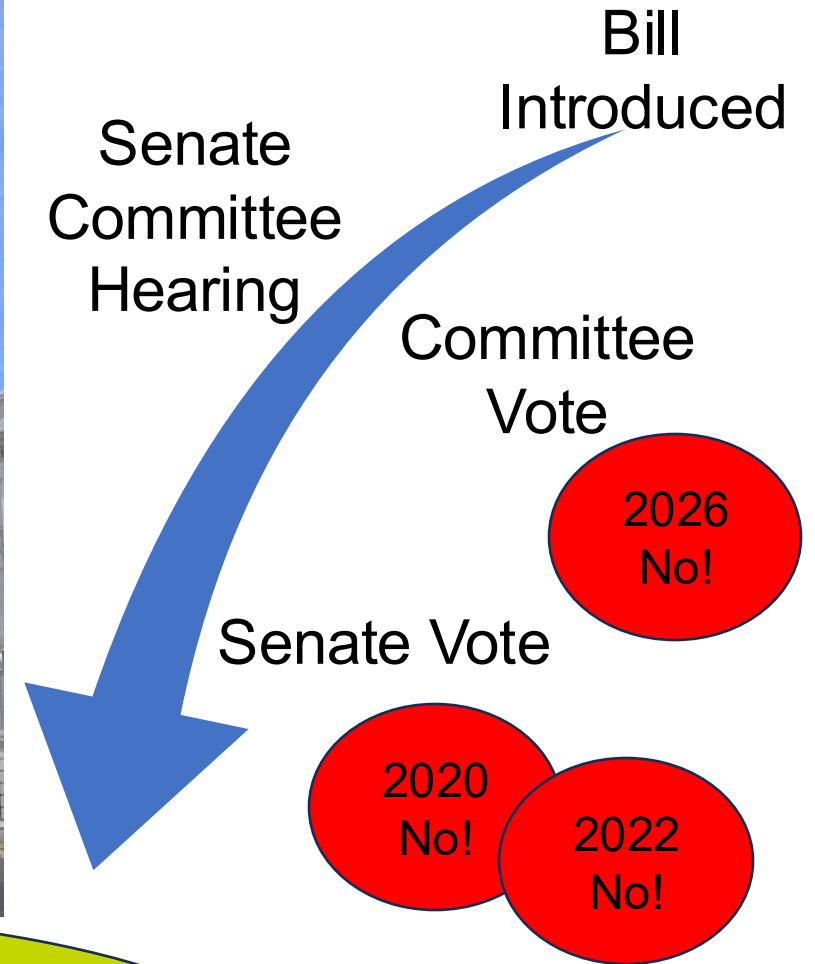
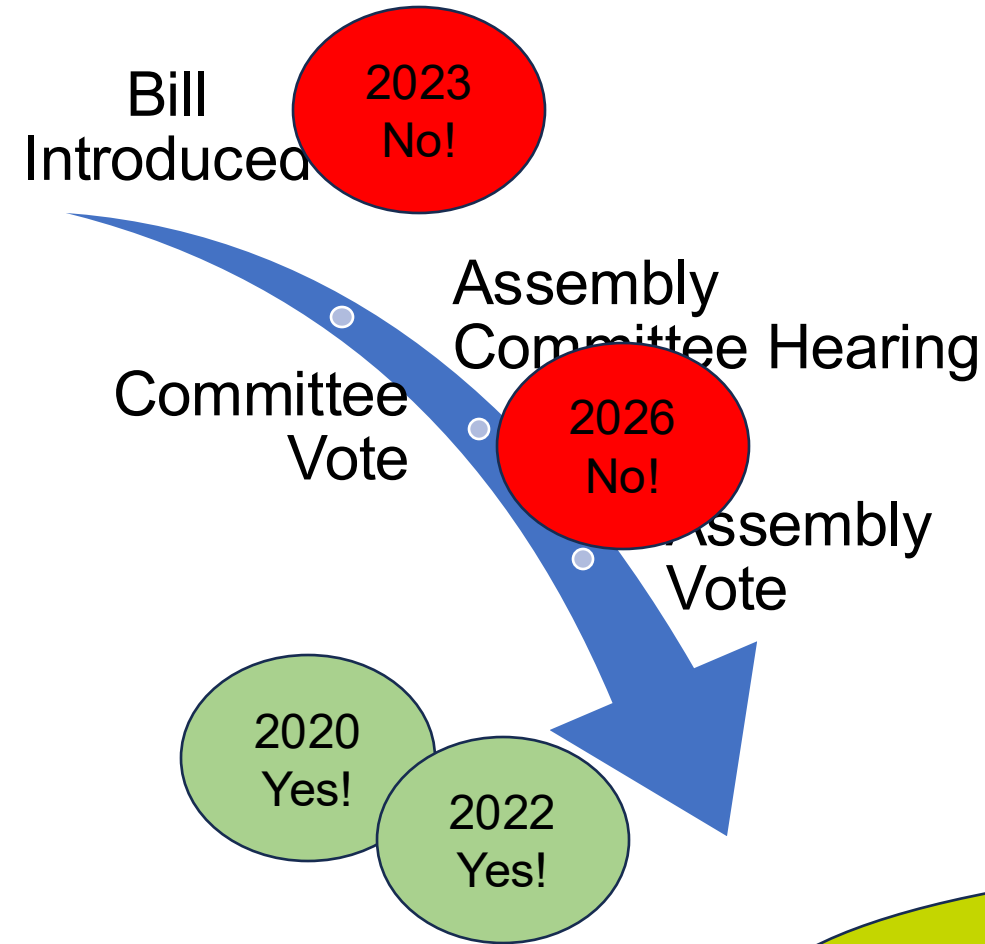


Tobacco 21 in Wisconsin

- In 2019-2020 Wisconsin Legislative Session, passed Assembly but not Senate
- In 2021-2022 Legislative session, passed Assembly but not Senate
- In 2023 No bill was introduced
- In 2025-26 new champion, new version of bill (meh) did not receive votes in either house



T-21 Legislation



Both Houses must pass then
Governor signs or vetoes

Tobacco Bar Legislation 2023 & 2025

No Loopholes in Our Smokefree Air Law!

The Legislature has introduced a bill to create new tobacco bars in Wisconsin. Email your Representatives and ask them to say NO to AB 451 / SB 471. Clean indoor air is good for health and business!

 American Lung Association.

10 Reasons to Oppose AB 451 / SB 471: Tobacco Bar Loophole

- 1 THE CURRENT CLEAN INDOOR AIR LAW IS WIDELY SUPPORTED**
The clean indoor air law has been good for health and good for business. **77.5% of Wisconsinites support the current law**, 18.3% neither support nor oppose, and only 4.2% oppose.
- 2 THE LOOPHOLE IS BIGGER THAN YOU THINK**
In Wisconsin, cigarettes wrapped in brown paper are classified and taxed as cigars. These brown cigarettes/little cigars are identical in size and shape to cigarettes, are sold in packs of 20, and have a filter like a cigarette. **This bill isn't a cigar bar bill, focused as narrowly as you might think. It is a tobacco bar bill, as the law states, allowing use of a wide array of harmful products.**
- 3 EXEMPTIONS IN OTHER CITIES ARE PROBLEMATIC AND UNENFORCEABLE**
Comparisons are often made to Atlanta, Philadelphia, and other major cities with exemptions, but those cities are struggling to regulate these establishments. Many so-called tobacco bars are simply bars and nightclubs that want to allow smoking under the smokescreen of this loophole.
- 4 EXEMPTION ABUSE IS INEVITABLE**
Tobacco bars are notorious for skirting the law. Even when policy provisions are written tightly, establishments know that enforcement and compliance checks are rare. **They often are the place to smoke cigars as well as other products**, including pipe tobacco, hookah, and cigarettes.
- 5 MORE WORK THAN IT'S WORTH**
Enforcement of a tobacco bar exemption can be burdensome, including tracking licenses, percentage of sales requirements, and ongoing compliance checks. 100% smokefree indoor air is easiest to understand and regulate.
- 6 ENTERTAINERS WILL STILL BE EXPOSED**
Gig workers, like local musicians, comedians, and other entertainers will once again need to make tough choices about their work environments. Will they pass up a gig to protect their health, or take a chance to earn a check?
- 7 BROAD MARKETING AND TARGETING**
Tobacco bars will not operate in obscurity and out of the public eye – they will become part of the social culture as they cast a wide net with their marketing tactics.
- 8 MESSAGE: HEALTH IS A PRIORITY, UNLESS THERE'S MONEY TO BE MADE**
Modifying the existing law sets a precedence that Wisconsin's public health priorities are subject to negotiation.
- 9 THERE ARE SO MANY OTHER WAYS TO GROW LOCAL ECONOMIES**
There are other ways to grow the economy that don't compromise health. Just because people smoke doesn't mean we should carve out exemptions and create new spaces for them to do so. Wisconsin's economy will continue to thrive without tobacco bars.
- 10 BECAUSE YOU LOVE WISCONSIN**



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3416/1
KP:amm

2023 BILL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 101.123 (3) (m) of the statutes is amended to read:

101.123 (3) (m) ~~A tobacco bar that is in existence on June 3, 2009, and in which~~
only the smoking of cigars and pipes is allowed.





State of Wisconsin
2025 - 2026 LEGISLATURE

CORRECTED
COPY

LRB-2524/1

KP:cdc

2025 SENATE BILL 211

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 101.123 (3) (n) of the statutes is created to read:

101.123 (3) (n) A tobacco bar that satisfies all of the following:

1. The tobacco bar came into existence on or after June 4, 2009.
2. Only the smoking of cigars and pipes is allowed in the tobacco bar.
3. The tobacco bar is not a retail food establishment, as defined in s. 97.30 (1)

(c).

(END)

SENATE AMENDMENT 1, TO SENATE BILL 211

1 At the locations indicated, amend the [bill](#) as follows:

2 **1.** [Page 2, line 3](#): after that line insert:

3 “4. A notice that smoking of cigars and pipes is allowed on the premises is
4 displayed in a conspicuous place in the tobacco bar.

5 5. Persons under the age of 21 are prohibited from entering the tobacco bar
6 premises.

7 6. Every employee of the tobacco bar signs an acknowledgement that the
8 employee will be subjected to secondhand smoke.

9 7. The tobacco bar includes in an application for, or for the renewal of, a Class
10 “B” or “Class B” license, in addition to the information required under s. 125.04 (3),

1 building plan documents demonstrating that the tobacco bar’s premises have
2 sufficient air filtration and exhaust.”.

3

(END)

Pivoting to a Defensive Position

- Checking in with legislative leadership; calling Governor's office
- Reaching out to bill authors & sponsors
- Partner engagement & reconvening Smokefree coalition from 16 years ago
- Policy analysis
- Developing messaging – not “just a cigar bar”
- Keeping other organizations neutral or opposed (City of Milwaukee)
- Connecting with Department of Revenue
- Building power through grassroots volunteer engagement

Partners in the Work



Wisconsin

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↓ American Cancer Society Cancer Action Network (ACS CAN)	4/24/2025	4/24/2025		
↓ American Heart Association	4/30/2025	4/30/2025		
↓ American Lung Association, dba American Lung Association in Wisconsin	5/14/2025	N/A	✓	Position Info
↑ Americans For Prosperity	5/7/2025	5/7/2025		
↓ Bellin Gundersen Health System, Inc.	4/24/2025	N/A		
↓ Children's Hospital of Wisconsin	5/1/2025	N/A		
↑ Cigar Association of America Inc	5/16/2025	5/1/2025		
↑ Forest County Potawatomi Community	12/2/2025	N/A		
↑ National Federation of Independent Business	6/20/2025	6/19/2025		
↑ Retail Services & Systems, Inc. d/b/a Total Wine & More	6/2/2025	N/A		
↑ SI Group Client Services	4/24/2025	N/A		
↓ Wisconsin Academy of Family Physicians	5/15/2025	N/A		
↓ Wisconsin Academy of Physician Assistants	11/25/2025	N/A		
↓ Wisconsin Association of Local Health Departments and Boards	5/6/2025	N/A		
↓ Wisconsin Chapter of the American Academy of Pediatrics (WIAAP)	6/17/2025	N/A		
↓ Wisconsin Medical Society	4/24/2025	N/A	✓	Position Info
↓ Wisconsin Public Health Association	5/6/2025	N/A		
? Wisconsin Restaurant Association	4/29/2025	N/A		
↓ Wisconsin Society for Respiratory Care	6/16/2025	N/A		



The confusing “Brown Cigarette”



- Classified & taxed as cigars.
- Cheaper.
- Would be allowed to be smoked if tobacco bar legislation passed.
- Enforcement confusion.

Veto Request

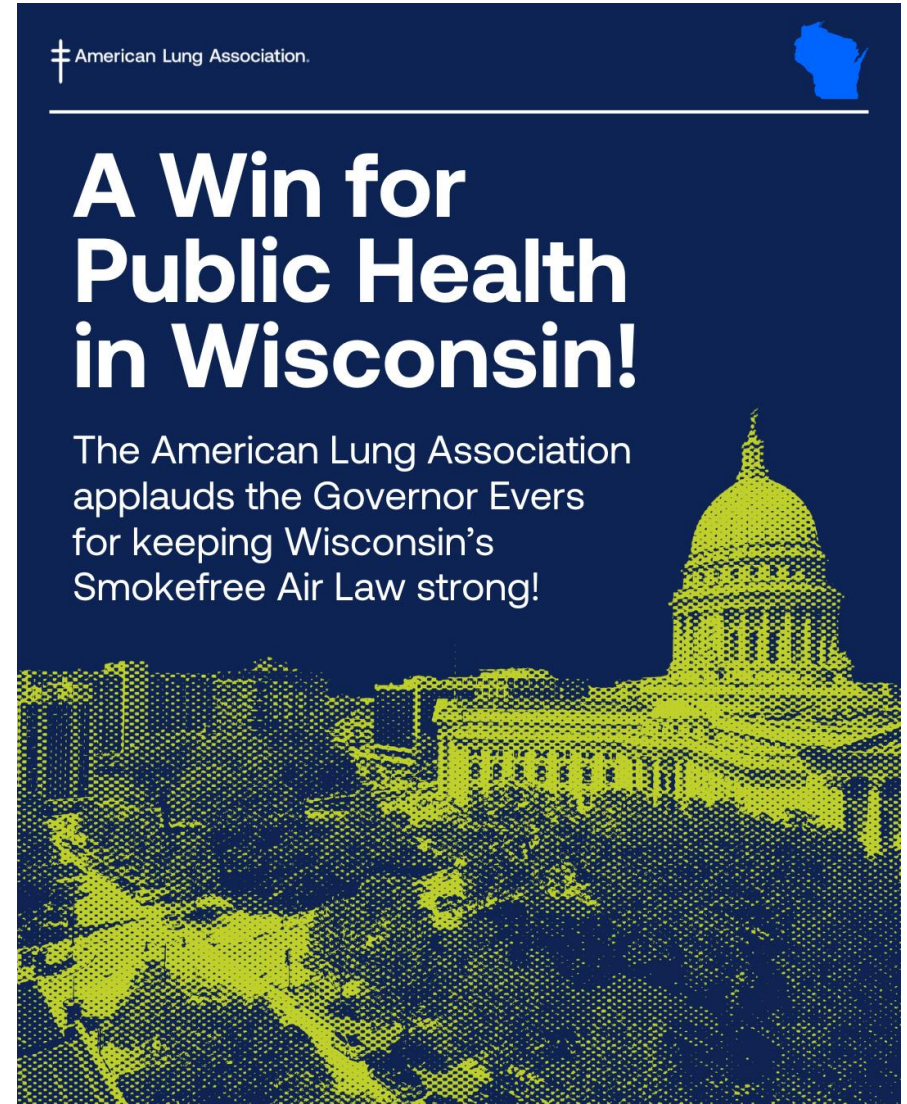


November 19, 2025

The Honorable Governor Tony Evers,

We write today to urge you to veto Assembly Bill 211, relating to exempting tobacco bars from the public smoking ban.

- Ongoing conversations with Admin staff
- Grassroots volunteer engagement – over 300 messages sent to Gov's office



Landscape (2027 Session)

- Session will start January 2027
- Unsure what will come on November 3.
- New Governor, Senate Majority Leader and Assembly Speaker
 - New rules/processes
 - Example: will policy be included in the budget?
- No matter which party has majority, it will likely only be by a seat or two
- Lots of new faces in the legislature and Governor's administration
 - 15 retirements
 - 6 of the retirements are in the senate (total body= 33 members)

2027-28 Likely Legislative Work

Offense	Defense
Tobacco Tax Campaign (all products) and funding for CTPTP	“Modified Risk Tobacco Product” Tax Cut
Tobacco 21	Smokefree Air & Cannabis
Vaping Package	Tobacco Bars