

**ORDINANCE #18-01**

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**AMENDING SECTION 30 ARTICLE II OF THE VILLAGE CODE  
REGARDING OFFENSES BY MINOR**

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**THE VILLAGE BOARD OF THE VILLAGE OF JACKSON, WASHINGTON COUNTY,  
WISCONSIN, does ordain the following changes to the Village Code:**

**SECTION I.** Section 30-51 of the Village Code of the Village of Jackson is hereby created as follows:

**30-51 SALE, PURCHASE, AND POSSESSION OF ELECTRONIC NICOTINE DELIVERY SYSTEM VAPOR PRODUCTS**

(1) "Vapor Products" shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizers, or similar products or devices. "Vapor products" shall include any vapor cartridge, solution, or other container, that may or may not contain nicotine, that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizer, or similar products or devices. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

**(2) SALE OF ELECTRONIC NICOTINE DELIVERY SYSTEM VAPOR PRODUCTS TO MINORS PROHIBITED.**

No person, by himself, his servant or agent, or as the servant or agent of any other person, shall sell, give away, or otherwise dispose of, by vending machine or otherwise, any electronic nicotine delivery system vapor products to any person under the age of eighteen (18) years.

**(3) PURCHASE OR POSSESSION OF ELECTRONIC NICOTINE DELIVERY SYSTEM VAPOR PRODUCTS BY PERSON UNDER 18 PROHIBITED.**

(a) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any electronic nicotine delivery system vapor product.

(b) No person under 18 years of age may purchase, attempt to purchase, or possess any electronic nicotine delivery system vapor product except as follows:

A person under 18 years of age may purchase or possess electronic nicotine delivery system vapor products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer. The defenses provided in Wis. Stat. § 134.66(3)(a) - (c) shall also be defenses to any prosecution hereunder.

Introduced by: Pres. Schwab

Seconded by: TR. OLSON

Passed and Approved: 04/10/2018

Vote: 7 Aye 0 Nay

  
Attest: John M. Walther, Administrator

  
Michael E. Schwab, Village President

Proof of Posting:

I, the undersigned, certify that I posted copies of this Ordinance on bulletin boards at the Village Hall, Post Office and one other location in the Village.

Village Official: 

Date: 04/11/2018