

December 3, 2025



Testimony of the American Lung Association
Supporting Assembly Bill 524
Assembly Committee on State Affairs

Chair Swearingen and members of the committee,

The American Lung Association has long advocated for increasing the age of sale for tobacco products from 18 to 21 because it will help save lives.

In December 2019, federal legislation was passed by both houses of Congress, President Trump signed the bill into law, and it immediately took effect. It is therefore already illegal under federal law to sell or distribute tobacco products to people under the age of 21 in Wisconsin. However, aligning the state's sales age for tobacco products, including e-cigarettes, to 21 to match federal law would be beneficial and allow our local law enforcement to address problem retailers who are selling to underage people. Aligning our state law with federal law means that local law enforcement can help protect young people by holding these bad actors accountable. Because of how the state law is written, municipalities are preempted from changing their sales age laws to prevent sales to those under 21, which creates confusion for both law enforcement and retailers.

Tobacco products remain the leading cause of preventable death in the United States and costs the U.S. economy over \$600 billion in direct health care costs and lost productivity every year. Tobacco use almost always begins during adolescence and young adulthood. About 95 percent of adult smokers began smoking before they turned 21. In the United States, 1,200 kids under age 18 try smoking for the first time each day.

Today's tobacco products such as vapes and nicotine pouches are engineered to be highly addictive, easy to start, and difficult to quit. We know that preventing kids from trying these products has a significant impact on how many go on to develop a lifelong addiction. Studies show that nicotine addiction worsens youth mental health and also puts them at risk for developing chronic diseases later in life. The American Lung Association has been extremely troubled by the high rate of young people using e-cigarette or "vape" products. Young people are especially vulnerable to addiction until age 25, and with high levels of nicotine in vapes, young people get addicted quickly.

We would like to make a couple of specific suggestions to strengthen the language. In the bill under section 4, the bill broadens the definition of "retailer" to include people who are not licensed retailers, but who nonetheless sell, possess with intent to sell, etc. electronic vaping devices. It might be an error that it would relate only to vapor devices and not cigarettes or other tobacco products, but under the bill, a high school kid making a transaction in a school bathroom is a "retailer" if they are selling vapor products, but is not a "retailer" if selling cigarettes or other tobacco products. This could result in different enforcement and punishment against minors who give or share vapes with other minors, while imposing no similar penalties against minors who share cigarettes or other tobacco products with other minors.

That being said, the American Lung Association opposes laws that punish underage purchase and possession of tobacco products. While the Lung Association is glad to see the continued absence of civil, or especially criminal penalties, for violation in state law beyond confiscation of the product, punishing young people for underage possession or purchase of tobacco products has not been demonstrated to be an effective tobacco control strategy and should ultimately be eliminated.

This bill also takes a step in the right direction by extending the ability to do state compliance checks of retailers for selling tobacco products including vapes and nicotine pouches to persons under age 21, but the current bill language is a bit confusing, so we would recommend an amendment that preserves the language currently found in Section 23 but simply changes the age to: “*A person under 21 years of age, but not under 15 years of age...*” This would make Section 24 valid without any other changes. More broadly, the Lung Association would also encourage that all tobacco product retailers in the state be required to undergo at least one compliance check per year with a required follow-up compliance check within three months for retailers that fail the initial check.

Tobacco 21 can be an important component of a comprehensive public health approach to preventing and reducing tobacco use, and we hope this will be a useful step for the state legislature. The Lung Association’s [annual State of Tobacco Control report](#) highlights additional public policies to prevent and reduce tobacco use that we would encourage the legislature to consider. If passed, Wisconsin will join 44 other states and the District of Columbia who have passed laws increasing their state legal sales ages to 21.

Thank you for considering this legislation, and I hope to be a resource to you in the future on these topics.

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