

AT ISSUE:

The Lack of a State Tobacco 21 Sales Law in Wisconsin



TOBACCO 21 AND WISCONSIN

Wisconsin is one of only eight states that do not yet have a Tobacco 21 law.

- All other states have passed state laws to align with the federal commercial tobacco sales age.
- Tobacco 21 is a federal law enacted in 2019 that raised the legal sales age of all tobacco products from 18 to 21 years old.
- Other states without Tobacco 21 laws include Montana, Missouri, Mississippi, North Carolina, South Carolina, Arizona, and Alaska.

Wisconsin tobacco and vape shop retailers are required to follow the federal Tobacco 21 sales law. Federal law supersedes state law.

- FDA inspectors in Wisconsin conduct compliance investigations at tobacco retail outlets. Tobacco retailers can be fined by the FDA for selling to people under age 21.
- Local law enforcement cannot enforce federal law, which causes confusion in communities across the state. This also prevents law enforcement from holding bad actors accountable for selling to people under 21 and protecting young people in their community.

TOBACCO 21 MATTERS

Most people who use commercial tobacco and nicotine start before age 21.

- For every year we can help keep young people from starting to use commercial tobacco and nicotine, they are less likely to ever use it.
By age 25, if a person hasn't started, they probably never will.
- A Tobacco 21 law prevents more young people from ever starting to use tobacco and protects them from a lifelong addiction to nicotine.

Nicotine makes mental health conditions like anxiety and depression worse.

Nicotine poses as a stress reliever, but young people who use it get caught in a dangerous loop because it is highly addictive and can negatively impact their mental health.

Raising the sales age to 21 disrupts the social supply of cigarettes and other tobacco products to young people. A typical high school student is more likely to know a high school senior who is 18 who can buy them tobacco products than they are to know someone 21 or older who would do the same.

Today's tobacco products, such as vapes and nicotine pouches, are engineered to be highly addictive, easy to start, and difficult to quit. A higher sales age protects young people from the harms of these products.

- In 2023, **1 in 6** high schoolers (15.7%) used e-cigarettes, which is comparable to conventional cigarette use among Wisconsin teens in 2011 — more than a decade of lost progress.
- Nicotine pouch use by middle and high school student doubled between 2021 and 2024.
- **66%** of high schoolers say it is easy to get tobacco products.

Wisconsin could be at risk of losing millions of dollars in federal funds directed at substance use prevention.

- Wisconsin will lose a percentage of federal funding if underage sales rates hit **20%**.
- Before the pandemic, the underage sales rate in Wisconsin (to those under 18) was **5.5%**. In 2024, the underage sales rate was **11.8%**.

HOW CAN YOU HELP?

Share your story with community members and policy makers. Consider how you have experienced or observed tobacco and nicotine in your life and the lives of people you know. Talk about commercial tobacco and nicotine in your prevention and treatment work.

Use these talking points to discuss the importance of an increased tobacco sales age in Wisconsin.

Visit the [Wisconsin Commercial Tobacco Prevention and Treatment Program](https://dhs.wisconsin.gov/tobacco/index.htm) web page: dhs.wisconsin.gov/tobacco/index.htm

- Go to the [Tobacco 21 page](#) and share “21 Means 21” campaign resources, including free posters and other tools, with your community.
- Go to the [Local Efforts page](#) that connects Wisconsinites with their local tobacco coalitions across the state. These groups do community-specific work and keep conversations going about the dangers of commercial tobacco and nicotine in Wisconsin.

FOR MORE INFORMATION

Visit dhs.wisconsin.gov/Tobacco21 or contact:

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The word “tobacco” in this document refers to commercial tobacco, not traditional Native American tobacco.



September 2025