

SECOND REGULAR SESSION

SENATE BILL NO. 964

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR DePASCO.

Read 1st time January 17, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3944S.011

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to cigarette retailers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.920, to read as follows:

407.920. 1. As used in this section, the following terms shall mean:

(1) "Cigarette category space", includes such portion of space in a store or on the premises as reserved, made available or identified by a retailer for the display of products, signs, advertising, promotion or other communications relating to cigarettes;

(2) "Cigarette retailer", includes any person who sells to a consumer or to any person for any purpose other than resale cigarettes as they are defined in section 149.011, RSMo;

(3) "Promotion", includes any program or means by which:

(a) The effective price paid by a purchaser of cigarettes is reduced from the regular price charged by the retailer when the supplier's promotion is not in effect or applicable; or

(b) Additional cigarettes or other items are offered to the consumer in connection with the purchase of cigarettes;

(4) "Supplier", includes a cigarette manufacturer or importer, directly or through its agent, representative, broker or any other person or entity, who directly or indirectly offers to supply, sell or deliver cigarettes or cigarette advertising, merchandising or promotions to a cigarette retailer.

2. A cigarette retailer shall have the right to contract or agree with a supplier:

(1) To obtain, participate in and receive payments from a supplier pursuant to a supplier's cigarette merchandising, advertising, display or promotion programs, whether permanent or temporary;

(2) To be compensated by the supplier for providing space for the merchandising, advertising, display or promotion of a supplier's products; or

(3) To purchase cigarettes, provided such contract or agreement shall not directly or indirectly:

(a) Require the retailer to allocate:

a. A percentage or fraction of all or any part of the retailer's space available for product display, signage, or advertising, or cigarette category space, to a supplier for any purpose; or

b. A determined amount of such space, whether expressed in footage, product facings or other forms of stated measurement, to a supplier in order to receive, participate in, or receive payment under, a supplier's promotions; or

(b) Restrict or limit:

a. A retailer's cigarette category space;

b. A retailer's conduct of or participation in any promotion; or

c. A retailer's conduct of or participation in any program or activity concerning the sale, display, merchandising, promotion, pricing or advertising, in any manner, of another supplier's products.