

FIRST REGULAR SESSION

SENATE BILL NO. 671

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR DePASCO.

Read 1st time February 27, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0974S.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. A cigarette retailer may enter into and participate in a cigarette manufacturer's merchandising, advertising, display, or consumer discount or promotional agreement or program in which the retailer:

(1) Provides cigarette merchandising, shelf-space, advertising, stocking, or display to the manufacturer;

(2) Conducts the manufacturer's consumer promotion and discount programs and provides such promotions and discounts to consumers; and

(3) Is paid or compensated by the manufacturer for performing such activities.

2. A cigarette manufacturer may:

(1) Offer and enter into such retailer agreements and programs;

(2) Pay, or provide other compensation to retailers for participating in such agreements and programs; and

(3) Provide consumer promotions and discounts to retailers for the retailers to furnish to consumers.

3. It shall be unlawful for a cigarette manufacturer to directly or indirectly:

(1) Condition a retailer's receipt of consumer promotions or consumer price discounts on the retailer's conduct or actions relating to the manufacturer's product or the products of any other manufacturer, except for requirements that the retailer:

- (a) Provide the promotion or discount to consumers; and
- (b) Advertise and display the promotion and the promoted or discounted product to consumers;
- (2) Require or cause the retailer to allocate a specified percentage or fraction of the retailer's merchandising, stocking, display, shelf, or advertising space to the manufacturer;
- (3) Prevent, restrict, or limit a retailer from stocking, advertising, displaying, or participating in a program for another manufacturer's product;
- (4) Prevent, restrict, or limit the retailer from determining the size or location of the space that the retailer uses to stock, display, promote, or advertise cigarettes; or
- (5) Require the retailer to raise its prices on, or prevent the retailer from setting, retaining, or reducing its prices on, another manufacturer's products.

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