

FIRST REGULAR SESSION

SENATE BILL NO. 101

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Pre-filed January 3, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0194S.011

AN ACT

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

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
2 section, to be known as section 407.312, to read as follows:

**407.312. 1. As used in this section, the term "florist" shall mean
2 any business that derives fifty percent of more of its gross income from
3 the sale or arranging for the sale of flowers or floral
4 arrangements. The term "person" shall have the same meaning as in
5 section 407.010.**

**6 2. A person shall not misrepresent the geographical location of
7 a florist in a contact listing:**

**8 (1) In a telephone directory or other directory assistance
9 database;**

10 (2) On an internet website; or

11 (3) In a print advertisement.

**12 3. A person is considered to misrepresent the geographical
13 location of a florist for purposes of this section if the name of the florist
14 indicates that the florist is located in a geographical area and:**

**15 (1) The florist is not physically located within the geographical
16 area indicated;**

**17 (2) The listing fails to identify the municipality and state of the
18 florist's actual physical geographical location; and**

**19 (3) A telephone call to the local telephone number provided for
20 the florist that is:**

**21 (a) Listed in the directory or database is routinely forwarded or
22 transferred to a location that is outside the calling area covered by the**

23 **directory or database in which the number is listed; or**

24 **(b) Provided on the internet website or in a print advertisement**
25 **is routinely forwarded or transferred to a location that is outside the**
26 **calling area of the geographical area indicated by the name of the**
27 **florist.**

28 **4. A person may place a contact listing for a florist under this**
29 **section when the name of the florist indicates that it is located in a**
30 **geographical area that is different from the geographical area in which**
31 **the florist is actually physically located if a conspicuous notice in the**
32 **listing states the municipality and state in which the florist is actually**
33 **physically located.**

34 **5. This section shall not apply to:**

35 **(1) A publisher of a telephone directory or other publication or**
36 **a provider of a directory assistance service publishing or providing**
37 **information about another business;**

38 **(2) An internet website that aggregates and provides information**
39 **about other businesses;**

40 **(3) An owner or publisher of a print medium providing**
41 **information about other businesses;**

42 **(4) An internet service provider; or**

43 **(5) An internet service that displays or distributes**
44 **advertisements for other businesses.**

45 **6. A violation of this section shall be considered an unlawful**
46 **practice under 407.020 and may be prosecuted in the same manner as**
47 **any unlawful practice under that section.**

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