

HOUSE BILL NO. HB0268

Unfair discrimination-sale of cigarettes.

Sponsored by: Representative(s) Osborn and Parady

A BILL

for

1 AN ACT relating to sale of cigarettes; providing that  
2 specified trade practices involving the sale of cigarettes  
3 constitute unfair discrimination; specifying the  
4 application of other provisions to this provision; and  
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 40-4-124 is created to read:

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11 **40-4-124. Discrimination in sales of cigarettes.**

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13 (a) It shall be unfair discrimination for a cigarette  
14 manufacturer, as part of a merchandising, shelf-space,  
15 stocking, advertising, display or consumer discount or  
16 promotional agreement, payment or program offered to or

1 entered into with retailers, or by any other means, to  
2 directly or indirectly:

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4 (i) Condition a retailer's receipt of consumer  
5 promotions or consumer price discounts on the retailer's  
6 conduct or actions relating to the manufacturer's products  
7 or the products of any other manufacturer, except for  
8 requirements that the retailer:

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10 (A) Provide the promotion or discount to  
11 consumers; or

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13 (B) Advertise and display the promotion and  
14 the promoted or discounted product to consumers.

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16 (ii) Require or cause the retailer to allocate a  
17 specified percentage or fraction of the retailer's  
18 merchandising, stocking, display, shelf or advertising  
19 space to the manufacturer;

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21 (iii) Prevent, restrict or limit a retailer from  
22 stocking, advertising, displaying or participating in a  
23 program for another manufacturer's product;

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1           (iv) Prevent, restrict or limit the retailer  
2 from determining the size or location of the space that the  
3 retailer uses to stock, display, promote or advertise  
4 cigarettes; or

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6           (v) Require the retailer to raise its prices on,  
7 or prevent the retailer from setting, retaining or reducing  
8 its prices on another manufacturer's products.

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10          (b) Except as provided in subsection (a) of this  
11 section, nothing in this section prohibits a cigarette  
12 manufacturer and retailer from entering into merchandising,  
13 shelf-space, stocking, advertising, display, consumer  
14 discount or consumer promotion agreements, payments or  
15 programs of any kind.

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17          (c) The provisions of W.S. 40-4-101 through 40-4-116  
18 shall apply to this section.

19

20          **Section 2.** This act is effective July 1, 2003.

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22

(END)