

FIRST REGULAR SESSION

HOUSE BILL NO. 395

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ST. ONGE.

Read 1st time February 5, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1118L.011

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to cigarette merchandising, with penalty provisions.

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
2 known as section 407.921, to read as follows:

**407.921. 1. A cigarette retailer may enter into and participate in a cigarette
2 manufacturer's merchandising, advertising, display, or consumer discount or promotional
3 agreement or program in which the retailer:**

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

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

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

9 **2. It shall be unlawful for a cigarette manufacturer to directly or indirectly:**

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

13 **(a) Provide the promotion or discount to consumers; and**

14 **(b) Advertise and display the promotion and the promoted or discounted product
15 to consumers;**

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

18 **(3) Prevent, restrict, or limit a retailer from stocking, advertising, displaying, or**

19 participating in a program for another manufacturer;

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

22 (5) Require the retailer to raise its prices on, or prevent the retailer from setting,
23 retaining, or reducing its prices on, another manufacturer's products.

24 3. Any cigarette manufacturer who violates any of the provisions of subsection 2
25 of this section shall be guilty of a class B misdemeanor.