
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4272.1/02

ATTY/TYPIST: KB:rmh

BRIEF DESCRIPTION:

2 **SB 5296** - S AMD
3 By Senator Hewitt

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5 On page 2, line 1, after "January 1," strike "2002" and insert
6 "2003"

7 On page 2, after line 16, insert the following:

8 "NEW SECTION. **Sec. 3.** A new section is added to chapter 19.91 RCW
9 to read as follows:

10 (1) A cigarette retailer and manufacturer may enter into contracts
11 or agreements with each other for the retailer to: (a) Obtain,
12 participate in, and receive payments from the manufacturer under the
13 manufacturer's cigarette merchandising, advertising, display, or
14 promotion programs, whether permanent or temporary; (b) be compensated
15 by the manufacturer for providing space for the merchandising,
16 advertising, display, or promotion of the manufacturer's products; or
17 (c) purchase cigarettes.

18 (2) The contract or agreement under subsection (1) of this section
19 shall not directly or indirectly:

20 (a) Require the retailer to allocate:

21 (i) A percentage or fraction of all or any part of the retailer's:
22 (A) Space available for product display, signage, or advertising; or
23 (B) cigarette category space, to a manufacturer for any purpose; or

24 (ii) A determined amount of such space, whether expressed in
25 footage, product facings, or other forms of stated measurement, to a
26 manufacturer in order to receive, participate in, or receive payment
27 under a manufacturer's promotions; or

28 (b) Restrict or limit:

29 (i) A retailer's cigarette category space; or

30 (ii) A retailer's conduct of or participation in any program or
31 activity concerning the sale, display, merchandising, promotion,
32 pricing, or advertising, in any manner, of any manufacturer's products.

33 (3) The definitions in this subsection apply throughout this
34 section unless the context clearly requires otherwise.

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

5 (b) "Manufacturer" means a cigarette manufacturer or importer,
6 directly or through its agent, representative, broker, or any other
7 person or entity, who directly or indirectly offers to supply, sell, or
8 deliver cigarettes or cigarette advertising, merchandising, or
9 promotions to a cigarette retailer.

10 (c) "Promotion" means any program or means by which: (i) The
11 effective price paid by a purchaser of cigarettes is reduced from the
12 regular price charged by the retailer when a manufacturer's promotion
13 is not in effect or applicable; or (ii) additional cigarettes or other
14 items are offered to the consumer in connection with the purchase of
15 cigarettes.

16 (d) "Retailer" has the same meaning as in RCW 82.24.010."

17 Renumber the remaining section consecutively.

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21 On page 1, line 2 of the title, after "statutes;" strike "and" and
22 on line 3 of the title, after "70.155.040" insert "; and adding a new
23 section to chapter 19.91 RCW"

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