

H.B. 353

TRUTH IN ADVERTISING ACT AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 27, 2009 11:29 AM

Representative **Michael T. Morley** proposes the following amendments:

1. *Page 1, Line 18:*

18 ~~{None}~~ **This bill takes effect January 1, 2010.**

2. *Page 3, Lines 83 through 85:*

83 (u) (i) advertises that the person will not ~~{sell}~~ **provide** a good or service labeled with an age
84 restriction or recommendation to a ~~{person under}~~ **buyer subject to** the age restriction or
recommendation; and

85 (ii) **except as provided under Subsection (2)(g), provides** ~~{sells}~~ that good or service to a
~~{person under}~~ **buyer subject to** the age restriction or recommendation.

3. *Page 4, Line 114:*

114 prices of brand name goods and generic goods are compared.

(g)(i) A person does not commit deceptive trade practices under Subsection (1)(u) if :
(A) at the time a good or service labeled with an age restriction or recommendation was provided to
a buyer subject to the age restriction or recommendation:

(I) the person has a documented program to train an employee on the person's policies against
providing the good or service labeled with an age restriction or recommendation to a buyer subject to the
age restriction or recommendation;

(II) the employee who provided the good or service attended the training program described in
Subsection (2)(g)(i)(A)(I) within 30 days of commencing duties of selling the good or service; and

(III) the person took appropriate remedial action, including retraining the employee; or
(B) the buyer intentionally misrepresented the buyer's age to the person at the time good or service
was provided.

(ii) Notwithstanding Subsection (2)(g)(i)(A), a person shall commit deceptive trade practices
under Subsection (1)(u) if the employee described in Subsection (2)(g)(i)(A) provides a good or service a
third or subsequent time to a buyer subject to an age restriction or recommendation. =

4. *Page 5, Lines 127 through 128:*

127 (7) This chapter does not affect unfair trade practices otherwise actionable at common
128 law or under other statutes of this state.

Section 2. Effective date.

This bill takes effect on January 1, 2010.