

**32B-14-303 Prohibited conduct of wholesaler.**

- (1) A wholesaler may not:
- (a) induce or coerce, or attempt to induce or coerce, a retailer to engage in an illegal act or course of conduct;
  - (b) impose a requirement that is discriminatory by its terms or in the methods of enforcement as compared to requirements imposed by the wholesaler on similarly situated retailers;
  - (c) prohibit a retailer from selling a product of another wholesaler;
  - (d) fix or maintain the price at which a retailer may resell beer;
  - (e) require a retailer to accept delivery of beer or any other item that is not voluntarily ordered by the retailer;
  - (f) restrict or inhibit, directly or indirectly, the right of a retailer to participate in an organization representing interests of retailers for a lawful purpose;
  - (g) require a retailer to participate in or contribute to a local, regional, or national advertising fund or other promotional activity;
  - (h) retaliate against a retailer that files a complaint with the department or the applicable federal agency regarding an alleged violation by the wholesaler of a state or federal statute or administrative rule; and
  - (i) refuse to deliver a beer product carried by the wholesaler to a properly licensed retailer who resides within the wholesaler's sales territory:
    - (i) in a reasonable quantity; and
    - (ii) within a reasonable time after receipt of the retailer's order.
- (2) Notwithstanding Subsection (1)(i), the wholesaler may refuse to deliver a beer product if the refusal is due to:
- (a) the retailer's failure to pay the wholesaler pursuant to Subsection 32B-4-704(6);
  - (b) an unforeseeable event beyond the wholesaler's control;
  - (c) a work stoppage or delay due to a strike or labor problem;
  - (d) a bona fide shortage of materials; or
  - (e) a freight embargo.

Enacted by Chapter 276, 2010 General Session