

Effective 5/7/2025

Part 4
Offenses Concerning Unfair Market Discrimination

76-16-401 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

76-16-402 Unfair discrimination in competitive practices.

- (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.
- (2) An actor commits unfair discrimination in competitive prices if the actor:
 - (a) is a person engaged in the production, manufacture, or distribution of a commodity in general use; and
 - (b) intentionally, for the purpose of destroying the competition of a regular, established dealer in the commodity, or to prevent the competition of a person who in good faith intends and attempts to become a dealer, discriminates between different sections, communities, or cities of this state by selling the commodity at a lower rate in one section, community, or city, or any portion of the section, community, or city, than the actor charges for the commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates.
- (3) A violation of this section is subject to:
 - (a) a fine of not less than \$500 and no more than \$4,000 for each offense; and
 - (b) sanctions described in Subsection (4).
- (4)
 - (a) If a complaint is made to the attorney general that a corporation has violated this section, the attorney general shall investigate the complaint, and for that purpose, may subpoena witnesses, administer oaths, take testimony, and require the production of books or other documents.
 - (b) If in the attorney general's opinion, sufficient grounds exist for a prosecution after an investigation under Subsection (4)(a), the attorney general may prosecute an action in the name of the state to annul the charter or revoke the license of the corporation, and to permanently enjoin the corporation from doing business in this state.
 - (c) If, in an action described in Subsection (4)(b), the court finds that the corporation is guilty of unfair discrimination under this section, the court shall annul the charter or revoke the license of the corporation and may permanently enjoin the corporation from transacting business in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-403 Fraudulent practice to affect market price.

- (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.
- (2) An actor commits fraudulent practice to affect market price if the actor willfully makes or publishes a false statement, spreads a false rumor, or employs any other false or fraudulent means or device, with the intent to affect the market price of any kind of property.
- (3) A violation of Subsection (2) is:
 - (a) a class B misdemeanor; and

(b) subject to a fine of not less than \$500 and no more than \$4,000 for each offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-404 Unfair discrimination by a buyer of milk, cream, or butterfat.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.

(2) An actor commits unfair discrimination by a buyer of milk, cream, or butterfat if the actor:

(a) is:

(i) a person doing business in this state that is engaged in the business of buying milk, cream, or butterfat for the purpose of sale or storage; or

(ii) an officer or agent of a person described in Subsection (2)(a)(i); and

(b) for the purpose of creating a monopoly or destroying the business of a competitor, discriminates between different sections, communities, localities, cities, or towns of this state by purchasing milk, cream, or butterfat at a higher price or rate in one section, community, location, city, or town than is paid for the same milk, cream, or butterfat by the actor in another section, community, locality, city, or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale, or storage.

(3) A violation of Subsection (2) is:

(a) a class B misdemeanor; and

(b) subject to a fine of not less than \$500 and no more than \$4,000 for each offense.

Renumbered and Amended by Chapter 173, 2025 General Session