

ICE CREAM AND MILK DISPENSER REQUIREMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Gene Davis

AN ACT RELATING TO AGRICULTURE; AMENDING THE UTAH DAIRY ACT TO ALLOW ICE CREAM CABINETS TO BE LOANED TO A RETAILER IF CERTAIN CONDITIONS ARE MET.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

4-3-11, as last amended by Chapter 157, Laws of Utah 1990

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-3-11** is amended to read:

4-3-11. Processors, manufacturers, or distributors -- Unlawful to give money, equipment, or fixtures to retailer or consumer -- Exceptions -- Shelf space for dairy products.

(1) ~~[No]~~ Except as provided in Subsections (2) and (3), no processor, manufacturer, distributor, or his affiliates, subsidiaries, associates, agents or stockholders shall furnish, service, repair, give, lease, sell, or loan to a retailer or consumer any:

- (a) money;
- (b) equipment;
- (c) fixtures, including ice cream cabinets or bulk milk dispensers;
- (d) supplies, excluding expendable supplies commonly provided in connection with the sale of dairy products to a consumer; or
- (e) other things having a real or substantial value.

(2) Ice cream cabinets may be loaned to a retailer if the ice cream cabinet:

- (a) is portable;
- (b) has a storage capacity not exceeding 19 cubic feet; and
- (c) is used solely for retail display sales to consumers.

~~[(2)]~~ (3) The leasing or renting of cabinets, dispensers, or coolers for dairy products for civic affairs, demonstrations, or exhibits is prohibited unless it is for a period of ten days or less

in any one period of three consecutive months.

~~[(3)]~~ (4) (a) ~~[No]~~ Except as provided in Subsections (4)(b) and (4)(c), no retailer shall lease, sell, or loan[,] shelf or refrigerator space for dairy products to a processor, manufacturer, or distributor or receive anything of value from a processor, manufacturer, or distributor in exchange for shelf or refrigerator space for dairy products [to a processor, manufacturer, or distributor].

(b) Subsection (4)(a) ~~[shall]~~ does not apply to a dairy by-product that is:

(i) a short-term special; or

(ii) a new product being introduced on a trial basis for a period not to exceed 45 days.

(c) A processor, manufacturer, or distributor may loan an ice cream cabinet to a retailer for the display of the processor's, manufacturer's, or distributor's products, if the ice cream cabinet meets the requirements of Subsection (2).