

1 **ICE CREAM AND MILK DISPENSER**

2 **REQUIREMENTS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Gene Davis**

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

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

10 AMENDS:

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

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

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

14 **4-3-11. Processors, manufacturers, or distributors -- Unlawful to give money,
15 equipment, or fixtures to retailer or consumer -- Exceptions -- Shelf space for dairy products.**

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

19 (a) money;

20 (b) equipment;

21 (c) fixtures, including ice cream cabinets or bulk milk dispensers;

22 (d) supplies, excluding expendable supplies commonly provided in connection with the
23 sale of dairy products to a consumer; or

24 (e) other things having a real or substantial value.

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

26 (a) is portable;

27 (b) has a storage capacity not exceeding 19 cubic feet; and

28 (c) is used solely for retail display sales to consumers.

29 [~~(2)~~] (3) The leasing or renting of cabinets, dispensers, or coolers for dairy products for
30 civic affairs, demonstrations, or exhibits is prohibited unless it is for a period of ten days or less
31 in any one period of three consecutive months.

32 [~~(3)~~] (4) (a) [~~No~~] Except as provided in Subsections (4)(b) and (4)(c), no retailer shall
33 lease, sell, or loan[;] shelf or refrigerator space for dairy products to a processor, manufacturer, or
34 distributor or receive anything of value from a processor, manufacturer, or distributor in exchange
35 for shelf or refrigerator space for dairy products [to a processor, manufacturer, or distributor].

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

37 (i) a short-term special; or

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

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

Legislative Review Note
as of 11-24-98 1:42 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel