

ICE CREAM AND MILK DISPENSER

REQUIREMENTS

2000 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 OR SOLD 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) As used in this section, "novelty ice cream" means a package or container of ice cream which contains eight fluid ounces or less.

~~[(1) No]~~ (2) Except as provided in Subsections (3) and (4), 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.

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

- 28 (a) is portable;
- 29 (b) has a storage capacity not exceeding 12 cubic feet; and
- 30 (c) is used solely for retail display sales of novelty ice cream.

31 [~~(2)~~] (4) The leasing or renting of cabinets, dispensers, or coolers for dairy products for
 32 civic affairs, demonstrations, or exhibits is prohibited unless it is for a period of ten days or less
 33 in any one period of three consecutive months.

34 [~~(3)~~] (5) (a) [~~No~~] Except as provided in Subsections (5)(b) and (5)(c), no retailer shall
 35 lease, sell, or loan[,] shelf or refrigerator space for dairy products to a processor, manufacturer, or
 36 distributor or receive anything of value from a processor, manufacturer, or distributor in exchange
 37 for shelf or refrigerator space for dairy products [~~to a processor, manufacturer, or distributor~~].

38 (b) Subsection (5)(a) [~~shall~~] does not apply to a dairy by-product that is:

- 39 (i) a short-term special; or
- 40 (ii) a new product being introduced on a trial basis for a period not to exceed 45 days.

41 (c) A processor, manufacturer, or distributor may loan or sell an ice cream cabinet to a
 42 retailer for the display of the processor's, manufacturer's, or distributor's products, if the ice cream
 43 cabinet meets the requirements of Subsection (3).

Legislative Review Note
as of 9-15-99 11:13 AM

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

Office of Legislative Research and General Counsel