

SB 5296 - S AMD to S AMD (S4379.1)  
By Senator Hewitt

1 On page 1, after line 26 of the amendment, insert the following:

2 "NEW SECTION. **Sec. 2.** A new section is added to chapter 19.91 RCW  
3 to read as follows:

4 (1) A cigarette retailer and manufacturer may enter into contracts  
5 or agreements with each other for the retailer to: (a) Obtain,  
6 participate in, and receive payments from the manufacturer under the  
7 manufacturer's cigarette merchandising, advertising, display, or  
8 promotion programs, whether permanent or temporary; (b) be compensated  
9 by the manufacturer for providing space for the merchandising,  
10 advertising, display, or promotion of the manufacturer's products; or  
11 (c) purchase cigarettes.

12 (2) The contract or agreement under subsection (1) of this section  
13 shall not directly or indirectly:

14 (a) Require the retailer to allocate:

15 (i) A percentage or fraction of all or any part of the retailer's:  
16 (A) Space available for product display, signage, or advertising; or  
17 (B) cigarette category space, to a manufacturer for any purpose; or

18 (ii) A determined amount of such space, whether expressed in  
19 footage, product facings, or other forms of stated measurement, to a  
20 manufacturer in order to receive, participate in, or receive payment  
21 under a manufacturer's promotions; or

22 (b) Restrict or limit:

23 (i) A retailer's cigarette category space; or

24 (ii) A retailer's conduct of or participation in any program or  
25 activity concerning the sale, display, merchandising, promotion,  
26 pricing, or advertising, in any manner, of any manufacturer's products.

27 (3) The definitions in this subsection apply throughout this  
28 section unless the context clearly requires otherwise.

29 (a) "Cigarette category space" means the portion of space in a  
30 store or on the premises as reserved, made available, or identified by  
31 a retailer for the display of products, signs, advertising, promotion,  
32 or other communications relating to cigarettes.

1 (b) "Manufacturer" means a cigarette manufacturer or importer,  
2 directly or through its agent, representative, broker, or any other  
3 person or entity, who directly or indirectly offers to supply, sell, or  
4 deliver cigarettes or cigarette advertising, merchandising, or  
5 promotions to a cigarette retailer.

6 (c) "Promotion" means any program or means by which: (i) The  
7 effective price paid by a purchaser of cigarettes is reduced from the  
8 regular price charged by the retailer when a manufacturer's promotion  
9 is not in effect or applicable; or (ii) additional cigarettes or other  
10 items are offered to the consumer in connection with the purchase of  
11 cigarettes.

12 (d) "Retailer" has the same meaning as in RCW 82.24.010."

13 Renumber the remaining section consecutively.

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17 On page 2, line 2 of the title amendment, after "statutes;"  
18 strike the remainder of the title amendment and insert "amending RCW  
19 70.155.030; and adding a new section to chapter 19.91 RCW"

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