

1 AN ACT concerning cigarette manufacturers.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Antitrust Act is amended by
5 adding Section 3.1 as follows:

6 (740 ILCS 10/3.1 new)

7 Sec. 3.1. Cigarette manufacturers; handling of their
8 products by retailers.

9 (a) It is a violation of this Act for any cigarette
10 manufacturer, directly or indirectly, by contract, agreement,
11 or otherwise, to:

12 (1) condition a retailer's receipt of consumer
13 promotions or consumer price discounts on the retailer's
14 conduct or actions relating to the manufacturer's
15 products or the products of any other manufacturer,
16 except for requirements that the retailer (i) provide the
17 promotion or discount to consumers and (ii) advertise and
18 display the promotion and the promoted or discounted
19 product to consumers;

20 (2) require or cause the retailer to allocate a
21 specified percentage or fraction of the retailer's
22 merchandising, stocking, display, shelf, or advertising
23 space to the manufacturer;

24 (3) prevent, restrict, or limit a retailer from
25 stocking, advertising, displaying, or participating in a
26 program for another manufacturer's product;

27 (4) prevent, restrict, or limit the retailer from
28 determining the size or location of the space that the
29 retailer uses to stock, display, promote, or advertise
30 cigarettes; or

31 (5) require the retailer to raise its prices on or

1 prevent the retailer from setting, retaining, or reducing
2 its prices on another manufacturer's products.

3 (b) Any person who violates a provision of this Section
4 shall be subject to all remedies permissible for violation of
5 subsection (4) of Section 3 of this Act.

6 (c) The definitions contained in Section 1 of the
7 Cigarette Tax Act apply to this Section.

8 (d) This Section applies to any new contract or
9 agreement entered into or any existing contract or agreement
10 renewed on or after the effective date of this amendatory Act
11 of the 93rd General Assembly.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.