

1983 Assembly Bill 162

Date of enactment: **October 26, 1983**
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1983 Wisconsin Act 62

AN ACT *to amend* 100.201 (2) (i) 1. (intro.) and a; *to repeal and recreate* 100.201 (2) (i) 2; and *to create* 100.201 (2) (i) 3 and 100.201 (11) of the statutes, *relating to* revising the promotional assistance restrictions in the sale of selected dairy products and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.201 (2) (i) 1. (intro.) and a of the statutes are amended to read:

100.201 (2) (i) 1. (intro.) Give, offer to give, furnish, finance or otherwise make available, directly or indirectly, to any retailer or to any other person doing business with ~~such~~ a retailer anything of value which is connected with, or which aids or assists in, or which may induce or encourage, the purchase, handling, sale, offering for sale or promotion of the sale of the wholesaler's selected dairy products by ~~such~~ a retailer or any other

person doing business with ~~such a~~ retailer, ~~unless given, offered, furnished, financed or otherwise made available on proportionately equal terms to all other retailers or persons doing business with retailers.~~ The term "anything of value" as used herein includes, but is not limited to:

a. Any payment, discount, rebate, allowance, gift, goods, merchandise, privilege, contest, service or facility, whether or not given, offered, furnished, financed or otherwise made available in combination with or contingent on a purchase, or as compensation for or in consideration of the furnishing of any service or facility by or through a retailer.

SECTION 2. 100.201 (2) (i) 2 of the statutes is repealed and recreated to read:

100.201 (2) (i) 2. Nothing in subd. 1 prevents:

a. The good faith meeting of competition by offering or making available services and facilities offered or made available by a competitor.

b. Transactions with retailers otherwise permitted under pars. (d), (e), (f) and (g) and sub. (3).

SECTION 3. 100.201 (2) (i) 3 of the statutes is created to read:

100.201 (2) (i) 3. Nothing in this paragraph authorizes the sale of selected dairy products, or the furnishing of services or facilities in violation of pars. (a) to (h).

SECTION 4. 100.201 (11) of the statutes is created to read:

100.201 (11) **RULE MAKING.** The department may promulgate rules which are necessary for the efficient administration of this section. The department may also promulgate rules which set standards for the nondiscriminatory sale and furnishing of services or facilities in connection with the sale or distribution of selected dairy products and for the good faith meeting of competition.
