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ASSEMBLY BILL NO. 44—COMMITTEE  
ON COMMERCE AND LABOR

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 19, 2024

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Referred to Committee on Commerce and Labor

SUMMARY—Prohibits manipulating the price of an essential good or service in this State. (BDR 52-503)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to unfair trade practices; revising the list of activities that constitute an unlawful contract, combination or conspiracy in restraint of trade to include manipulating the price of an essential good or service in this State; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The Nevada Unfair Trade Practice Act sets forth various activities that  
2 constitute an unlawful contract, combination or conspiracy in restraint of trade and  
3 authorizes the Attorney General to investigate and take certain actions against  
4 persons who engage in such activities, which may include, without limitation,  
5 criminal prosecution and the imposition of civil penalties. (Chapter 598A of NRS)  
6 Existing law makes it a category D felony to engage in such activities. (NRS  
7 598A.280) This bill includes among the activities that constitute an unlawful  
8 contract, combination or conspiracy in restraint of trade manipulating the price of  
9 an essential good or service in this State. This bill defines “essential good or  
10 service” to mean any good or service: (1) that is needed on a daily or recurring  
11 basis for the livelihood of a person, including, without limitation, food, medicine or  
12 shelter; and (2) the price for which results in the person paying more than \$750 for  
13 the good or service over a 30-day period or \$9,000 for the good or service over a 1-  
14 year period. Under this bill, a person manipulates the price of an essential good or  
15 service when the person, alone or in concert with others, intentionally engages in  
16 any fraudulent or deceptive conduct which is intended to and does cause the price  
17 of an essential good or service in this State, as compared to the price of comparable  
18 essential goods or services readily available in the 24 months immediately



19 preceding the conduct, to increase in a manner that does not reflect the basic forces  
20 of supply and demand.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** NRS 598A.060 is hereby amended to read as  
2 follows:

3     598A.060 1. Every activity enumerated in this subsection  
4 constitutes a contract, combination or conspiracy in restraint of  
5 trade, and it is unlawful to conduct any part of any such activity in  
6 this State:

7     (a) Price fixing, which consists of raising, depressing, fixing,  
8 pegging or stabilizing the price of any commodity or service, and  
9 which includes, but is not limited to:

10       (1) Agreements among competitors to depress prices at  
11 which they will buy essential raw material for the end product.

12       (2) Agreements to establish prices for commodities or  
13 services.

14       (3) Agreements to establish uniform discounts, or to  
15 eliminate discounts.

16       (4) Agreements between manufacturers to price a premium  
17 commodity a specified amount above inferior commodities.

18       (5) Agreements not to sell below cost.

19       (6) Agreements to establish uniform trade-in allowances.

20       (7) Establishment of uniform cost surveys.

21       (8) Establishment of minimum markup percentages.

22       (9) Establishment of single or multiple basing point systems  
23 for determining the delivered price of commodities.

24       (10) Agreements not to advertise prices.

25       (11) Agreements among competitors to fix uniform list  
26 prices as a place to start bargaining.

27       (12) Bid rigging, including the misuse of bid depositories,  
28 foreclosures of competitive activity for a period of time, rotation of  
29 jobs among competitors, submission of identical bids, and  
30 submission of complementary bids not intended to secure  
31 acceptance by the customer.

32       (13) Agreements to discontinue a product, or agreements  
33 with anyone engaged in the manufacture of competitive lines to  
34 limit size, styles or quantities of items comprising the lines.

35       (14) Agreements to restrict volume of production.

36     (b) Division of markets, consisting of agreements between  
37 competitors to divide territories and to refrain from soliciting or  
38 selling in certain areas.



1 (c) Allocation of customers, consisting of agreements not to sell  
2 to specified customers of a competitor.

3 (d) Tying arrangements, consisting of contracts in which the  
4 seller or lessor conditions the sale or lease of commodities or  
5 services on the purchase or leasing of another commodity or service.

6 (e) Monopolization of trade or commerce in this State,  
7 including, without limitation, attempting to monopolize or otherwise  
8 combining or conspiring to monopolize trade or commerce in this  
9 State.

10 (f) *Manipulating the price of an essential good or service in*  
11 *this State. For the purposes of this paragraph, a person*  
12 *manipulates the price of an essential good or service in this State*  
13 *when the person, alone or in concert with others, intentionally*  
14 *engages in any fraudulent or deceptive conduct which is intended*  
15 *to and does cause the price of an essential good or service in this*  
16 *State, as compared to the price of comparable essential goods or*  
17 *services readily available in the 24 months immediately preceding*  
18 *the conduct, to increase in a manner that does not reflect basic*  
19 *forces of supply and demand.*

20 (g) Except as otherwise provided in subsection 2, consolidation,  
21 conversion, merger, acquisition of shares of stock or other equity  
22 interest, directly or indirectly, of another person engaged in  
23 commerce in this State or the acquisition of any assets of another  
24 person engaged in commerce in this State that may:

25 (1) Result in the monopolization of trade or commerce in this  
26 State or would further any attempt to monopolize trade or commerce  
27 in this State; or

28 (2) Substantially lessen competition or be in restraint of  
29 trade.

30 2. The provisions of paragraph ~~(f)~~ (g) of subsection 1 do not:

31 (a) Apply to a person who, solely for an investment purpose,  
32 purchases stock or other equity interest or assets of another person if  
33 the purchaser does not use his or her acquisition to bring about or  
34 attempt to bring about the substantial lessening of competition in  
35 this State.

36 (b) Prevent a person who is engaged in commerce in this State  
37 from forming a subsidiary corporation or other business  
38 organization and owning and holding all or part of the stock or  
39 equity interest of that corporation or organization.

40 3. *As used in this section, "essential good or service" means*  
41 *any good or service:*

42 (a) *That is needed on a daily or recurring basis for the*  
43 *livelihood of a person, including, without limitation, food,*  
44 *medicine and shelter; and*



- 1       ***(b) The price for which results in the person paying more than***
- 2       ***\$750 for the good or service over a 30-day period or \$9,000 for the***
- 3       ***good or service over a 1-year period.***

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