



General Assembly

January Session, 2003

**Raised Bill No. 852**

LCO No. 2901

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT CONCERNING THE FAIR PRICING OF MILK.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2003*) As used in sections 2 and 3  
2 of this act:

3 (1) "Consumer" means a consumer, as defined in section 22-205 of  
4 the general statutes;

5 (2) "Commissioner" means the Commissioner of Agriculture;

6 (3) "Fluid milk" means homogenized milk, low-fat milk, fortified  
7 low-fat milk and skimmed milk, as defined in section 22-127 of the  
8 general statutes;

9 (4) "Processor" means any person engaged in the sale of milk other  
10 than a producer or retailer, as defined in this section, who is subject to  
11 registration pursuant to section 22-173 of the general statutes and  
12 includes a subdealer;

13 (5) "Producer" means any person who is engaged in the production  
14 of milk and who is subject to registration pursuant to section 22-172 of

15 the general statutes and includes cooperative marketing associations,  
16 as defined in section 22-205 of the general statutes;

17 (6) "Retailer" means any person engaged in the sale of milk at retail  
18 to consumers and who is subject to registration pursuant to section 22-  
19 173 of the general statutes; and

20 (7) "Subdealer" means a subdealer, as defined in section 22-205 of  
21 the general statutes.

22 Sec. 2. (NEW) (*Effective July 1, 2003*) (a) No processor or retailer shall  
23 sell or offer for sale fluid milk for a price that is unconscionably  
24 excessive.

25 (b) A price for fluid milk is unconscionably excessive if (1) the price  
26 charged by a processor to a retailer exceeds one hundred forty per cent  
27 of the price actually paid to the producer by the processor for the same  
28 fluid milk; or (2) the price charged by a retailer to a consumer exceeds  
29 one hundred forty per cent of the price actually paid to the processor  
30 by the retailer for the same fluid milk, provided a processor or retailer  
31 may charge a price in excess of the limits established in this subsection  
32 if the processor or retailer demonstrates that the price charged is  
33 limited to the processor's or retailer's reasonable expenses actually  
34 incurred and directly related to procuring and selling such fluid milk.

35 (c) The provisions of this section shall not apply to producer-  
36 dealers, as defined in section 22-205 of the general statutes.

37 Sec. 3. (NEW) (*Effective July 1, 2003*) (a) The commissioner may  
38 investigate any violations of section 2 of this act and may refer any  
39 violations to the Attorney General who may bring an action in  
40 superior court for the judicial district of Hartford to enforce the  
41 provisions of section 2 of this act.

42 (b) If a court finds that a person has violated any provision of  
43 section 2 of this act, the court may award injunctive relief, restitution, a  
44 civil penalty not to exceed one thousand dollars per violation and such

45 other relief as the court deems equitable. Each day of violation of  
46 section 2 of this act shall be considered a distinct and separate  
47 violation.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>

**Statement of Purpose:**

To limit the mark-up on milk prices charged by processors and  
retailers.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*