

## AN ACT CONCERNING THE FAIR PRICING OF MILK

Section 1. (NEW). As used in this act:

“Producer” shall mean any person who is engaged in the production of milk and who is subject to registration pursuant to section 22-172 of the general statutes;

“Processor” shall mean any person engaged in the sale of milk other than a producer or retailer and who is subject to registration pursuant to section 22-173;

“Retailer” shall mean any person engaged in the sale of milk at retail to consumers and who is subject to registration pursuant to section 22-173;

“Commissioner” shall mean the Commissioner of Agriculture;

“Fluid milk” shall mean homogenized milk, low-fat milk, fortified low-fat milk, and skimmed milk as such terms are defined in section 22-127 of the general statutes.

Section 2. (NEW) (a) No processor or retailer shall sell or offer for sale fluid milk for a price that is unconscionably excessive.

(b) A price for fluid milk is unconscionably excessive if (1) the price charged by a processor to a retailer exceeds one hundred and forty percent of the price actually paid to the producer by the processor for the same fluid milk or (2) the price charged by a retailer to a consumer exceeds one hundred and forty percent of the price actually paid to the processor by the retailer for the same fluid milk, provided that a processor or retailer may charge a price in excess of the limits established in this subsection, if the processor or retailer demonstrates that the price charged is limited to the processor's or retailer's reasonable expenses actually incurred and directly related to procuring and selling the fluid milk.

Section 3. (NEW) (a) The Commissioner may investigate any violations of this act. The Commissioner may refer any violations of this act to the Attorney General who may bring an action in superior court for the judicial district of Hartford to enforce the provisions of this act.

(b) If a court finds that a person has violated section 2 of this act, the court may award injunctive relief, restitution, a civil penalty not to exceed one thousand dollars per violation and such other relief as the court deems equitable. Each day in which the person violated section 2 of this act shall be a distinct and separate violation.

Section 4. This act shall take effect on July 1, 2003.