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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

A N A C T

RELATING TO THE FAIR PRICING OF MILK

Introduced By: Senator Leo R. Blais

Date Introduced: February 26, 2003

Referred To: Senate Commerce, Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 6 of the General Laws entitled "Commercial Law - General
2 Regulatory Provisions" is hereby amended by adding thereto the following chapter:

3 CHAPTER 48

4 FAIR PRICING OF MILK

5 6-48-1. Definitions. - As used in this act:

6 (1) "Producer" shall mean any person who is engaged in the production of milk.

7 (2) "Processor" shall mean any person engaged in the sale of milk.

8 (3) "Retailer" shall mean any person engaged in the sale of milk at retail to consumers.

9 (4) "Director" shall mean the director of the department of environmental management.

10 (5) "Fluid milk" shall mean homogenized milk, low-fat milk, fortified low-fat milk, and
11 skim milk as such terms are defined in section 2-24-1 of the general laws.

12 6-48-2. Excessive prices prohibited. - (a) No processor or retailer shall sell or offer for
13 sale fluid milk for a price that is unconscionably excessive.

14 (b) A price for fluid milk is unconscionably excessive if: (1) the price charged by a
15 processor to a retailer exceeds one hundred forty percent (140%) of the price actually paid to the
16 producer by the processor for the same fluid milk; or (2) the price charged by a retailer to a
17 consumer exceeds one hundred forty percent (140%) of the price actually paid to the processor by
18 the retailer for the same fluid milk.

19 6-48-3. Civil remedies. - (a) The director may investigate any violations of this act. The

1 director may refer any violations of this act to the attorney general who may bring an action in
2 superior court to enforce the provisions of this act.

3 (b) if a court finds a person has violated section 6-48-2 of this act, the court may award
4 injunctive relief, restitution, a civil penalty not to exceed one thousand dollars (\$1,000) per
5 violation and such other relief as the court deems equitable. Each day in which the person
6 violated section 6-48-2 of this act shall be a distinct and separate violation.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO THE FAIR PRICING OF MILK

- 1 This act would provide that no processor or retailer would sell or offer for sale fluid milk
- 2 for a price that is unconscionably excessive.
- 3 This act would take effect upon passage.

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