

2018 Regular Session

SENATE BILL NO. 434

BY SENATOR MIZELL

DAIRY INDUSTRY. Authorizes the retail sale of milk and milk products at less than cost and removes the authority of the Dairy Stabilization Board and the commissioner of agriculture to regulate the retail price of milk. (8/1/18)

1 AN ACT

2 To enact R.S. 3:4108(G), relative to the sale of milk and milk products and disruptive trade  
3 practices; to authorize the sale of any milk and milk products by a retailer at less than  
4 cost; to prohibit the Dairy Stabilization Board and the commissioner from requiring  
5 a price markup on the sale of any milk and milk products by a retailer; and to provide  
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 3:4108(G) is hereby enacted to read as follows:

9 §4108. Disruptive trade practices

10 \* \* \*

11 **G. Any advertisement, offer to sell, or sale of any milk and milk**  
12 **products by a retailer at less than cost shall not be considered an unfair method**  
13 **of competition, unfair or deceptive act or practice, or disruptive trade practice.**  
14 **Nothing contained in this Chapter or the rules promulgated pursuant thereto**  
15 **shall authorize the board or commissioner to require a price markup on the sale**  
16 **of any milk and milk products by a retailer.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

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SB 434 Original	DIGEST 2018 Regular Session	Mizell
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Present law (R.S. 3:4105) prohibits the Dairy Stabilization Board from regulating or establishing retail prices of milk and milk products, provided that any such sales shall be subject to the condition of open market competition in compliance with the disruptive trade practice provisions of present law.

Proposed law retains present law.

Proposed law specifies that any advertisement, offer to sell, or sale of any milk and milk products by a retailer at less than cost is not an unfair method of competition, unfair or deceptive act or practice, or disruptive trade practice.

Proposed law further prohibits the board or commissioner from requiring a price markup on the sale of any milk and milk products by a retailer.

Effective August 1, 2018.

(Adds R.S. 3:4108(G))