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Emergency Rules

DECLARATION OF EMERGENCY

State Board of Elementary
and Secondary Education

At its meeting of June 26, 1975, the State Board of Elementary and Secondary Education suspended the issuance of certificates to school psychologists, effective at once.

The reason for the suspension was concern over the psychological care provided in the schools under the certification requirements adopted by the Board on September 30, 1974.

This action was taken in accordance with the emergency provision of the Administrative Procedures Act, R.S. 49:953B.

Earl Ingram
Director

remaining. The medical eligibility card issued monthly will show on an ongoing basis the number of physician visits for which each client remains eligible.

Form 158-A shall be used by the physicians to request approval of the Division of Family Services for payment of additional physician visits during the calendar year when the 12 payable visits have been exhausted. Request by the physician for additional visits shall be based on his certification of the medical necessity of such visits. The physicians may request a supply of Form 158-A from the Division of Family Services.

Effective January, 1976, the number of payable physician visits will be limited to 12 medically necessary physician visits per calendar year with provisions for extensions as outlined above.

Payment over and above that for a physician's office visit will no longer be made for injections given in his office.

Notice of this change has been mailed to all medical assistance recipients as well as physicians, pharmacists, hospital and nursing home administrators.

William H. Stewart, M.D.
Commissioner

DECLARATION OF EMERGENCY

Louisiana Health and Human Resources Administration

Division of Family Services

The Louisiana Health and Human Resources Administration exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to make effective on July 1, 1975, a limitation of 12 payable physician visits per calendar year with provisions for extensions. This reduction in the medical assistance program is necessary in order to remain within the budget appropriation for fiscal year 1975-76.

For the remainder of this calendar year beginning July 1, 1975, payment will be made for up to 12 visits for the full calendar year. For those who have used from 6 to 12 visits and over, payment will be made for 6 visits between July 1, 1975, through December 31, 1975. Those who have used less than 6 visits will be allowed payment for the appropriate number of visits remaining. For example, those who have used one visit, payment will be made for up to 11 more; 2 visits, 10 more, etc. This will be accomplished by the Data Processing Section counting the number of physician visits already paid for each eligible person and computing the number

DECLARATION OF EMERGENCY

Louisiana Health and Human Resources Administration

Division of Youth Services

Public Law 93-647, "Social Service Amendments of 1974", was enacted on January 4, 1975, to amend the Social Security Act by adding Part D to Title IV. Title IV-D requires that the State develop and implement on August 1, 1975, a Child Support Program to locate absent parents, establish paternity, secure and enforce support obligations owed by absent parents, and collect and disburse child support payments.

The final Federal Rules and Regulations and the Preprinted State Plan were not published by the Department of Health, Education and Welfare until June 26, 1975. The enabling State legislation (Act 117) was not signed into law until July 7, 1975.

Therefore, in consideration of the general welfare of the citizens of this State, the Louisiana Health and Human Resources Administration has adopted, and will place into effect on August 1, 1975, an emergency rule

which implements Title IV-D of the Social Security Act. This action was taken pursuant to R.S. 49:953B and R.S. 49:966C. Copies of the emergency rule are available for public examination at the offices of the Louisiana Health and Human Resources Administration, Division of Youth Services, Room 316 Commerce Building, 333 Laurel Street, Baton Rouge, Louisiana.

William H. Stewart, M.D.
Commissioner

Rules

RULES

Capital Area Ground Water Conservation Commission

(Editor's Note: Publication of the following material is not required by the Administrative Procedures Act. It is presented here solely for informational purposes.)

With an estimated pumpage of 125 million gallons a day from water wells subject to charges, a rate of \$1 per million gallons has been set and is to be paid quarterly. This would produce about \$45,000 for the year, but since the exact pumpage will vary somewhat, the rate may be adjusted slightly up or down for the last quarter to produce an income close to the budget.

Leo V. Bankston
Chairman

RULES

Governor's Consumer Protection Division

(Editor's Note: The following rule was adopted by the Director of the Governor's Consumer Protection Division and approved by the Consumer Protection Advisory Board on June 23, 1975, to be effective on August 9, 1975.)

TITLE 3: Unfair Methods of Competition and Unfair or Deceptive Acts or Practices in Trade or Commerce

Chapter II — Unfair and Deceptive Acts or Practices

Section 5006. Prior notification of passengers boarding commercial passenger carrying aircraft

A. Definitions—For the purpose of this rule the following definitions shall apply:

- (1) "Commercial passenger carrying airline" is any airline authorized by the Federal Aviation Administration to transport passengers from any airport in Louisiana for a fee whether on a scheduled or nonscheduled basis.
- (2) "Hazardous material" means any freight, cargo, baggage, article, device, or product as defined by the United States Department of Transportation in its regulation 49CFR, Parts 170-189, as may be amended from time to time, and Title 14 of Federal Aviation Regulations, Part 103, or such other appropriate regulation or regulations promulgated by the United States Department of Transportation and/or its successor, as may be amended from time to time, and includes:
 - (a) Explosives
 - (b) Flammable liquids and solids
 - (c) Oxidizing agents
 - (d) Corrosive liquids
 - (e) Compressed gases
 - (f) Poisons
 - (g) Etiologic agents
 - (h) Radioactive materials
- (3) "Agent" means any person employed by a commercial passenger airline who is empowered by such airline to sell, authenticate, validate, or otherwise have control over the issuing or validation or authentication of tickets of consumers departing on such airline from any airport in the State of Louisiana.
- (4) "Ticket" means any pass, paper, or document issued for a fee to a person which entitles such person to board a commercial aircraft in Louisiana for the purpose of transportation.

B. It shall be an unfair and deceptive act or practice for any passenger carrying commercial airline boarding passengers for departure from any airport in Louisiana to do the following:

- (1) Fail to notify each passenger boarding an aircraft at any airport in Louisiana whenever such aircraft contains hazardous materials as defined by the United States Department of Transportation, 49CFR, Parts 170-189, as may be amended from time to time, and Title 14 of

Federal Aviation Regulations, Part 103, as may be amended from time to time, that such hazardous materials are aboard the aircraft.

- (2) Such notice shall be in writing and shall be printed in bold type of not less than 18 point and shall contain the following language:

WARNING: THE AIRCRAFT YOU ARE ABOUT TO BOARD IS CARRYING HAZARDOUS MATERIALS AS DEFINED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION.

- (3) Such notice shall be issued to each person boarding an aircraft departing from any airport in Louisiana by the agent for the airline who is charged with the final validation of each passenger's ticket immediately prior to the passenger boarding the aircraft.
- (4) Such notice shall not apply to persons traveling aboard commercial passenger aircraft that have bought tickets in states other than Louisiana.
- C. The provisions of this rule shall not apply to the personal baggage of any person traveling aboard a commercial passenger carrying aircraft, nor shall it apply to any device or fuel carried aboard an aircraft that is necessary for the operation of the aircraft.
- D. Whoever engages in these practices violates R.S. 51:1405 (A) prohibiting, inter alia, unfair and deceptive acts and practices in trade and commerce.
- E. All rules and regulations or parts thereof in conflict herewith are hereby repealed.
- F. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.

Charles W. Tapp, Director
Governor's Consumer Protection Division

Lee Wesley, President
Consumer Protection Advisory Board

RULES

Louisiana Dairy Stabilization Board

(Editor's Note: The following regulation was adopted by the Louisiana Dairy Stabilization

Board on June 10, 1975, to become effective on August 9, 1975. This regulation has been in effect on an emergency basis since June 1, 1975.)

The regulations and price codes (excluding retail pricing) heretofore adopted by the Louisiana Milk Commission shall, unless sooner repealed by the Board, continue in full force and effect until the effective dates of a distribution stabilization plan or plans adopted by the Board.

Code of Minimum Prices for Fluid Milk Products

Commission Sales Area No. 1, 2, 3, & 5

Section 1. The following definitions shall be applicable throughout this code.

- (a) "Skim milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat percentage to not more than 1/2 of 1% (.5%).
- (b) "Low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which no nonfat milk solids have been added.
- (c) "Fortified low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which milk solids not fat have been added.
- (d) "Processor" means any person engaged in the business of processing or packing bulk milk or other materials into any of the products listed or referred to in R.S. 40:940.1.
- (e) "Fluid milk product" means any of the products listed or referred to in R.S. 40:940.1(1).
- (f) "Institution" means any school, hospital, or other purchaser referred to in R.S. 40:940.19(13).
- (g) "Wholesale price" means the price at which any fluid milk product is purchased:
- (1) By a licensed nonprocessing retailer, or
 - (2) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to nonprocessing retailers and home-delivered customers, or

- (3) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to persons who, at the time of the purchase, are engaged in pursuing their trade or occupation, and most of whom purchase milk in containers smaller than one quart in size.
- (h) "Retail price out-of-store" means the price at which a fluid milk product is purchased by the consumer when delivery is not made to the consumer's residence. If delivery is made to the consumer's residence by a processor, a distributor, or a nonprocessing retailer (even if made along with delivery of nondairy items) the "retail price home-delivered" is applicable.
- (i) "Retail price home-delivered" means the price at which a fluid milk product is purchased by the consumer when delivery is made to the consumer's residence.
- (j) "Base period" means either the calendar month or the calendar quarter prescribed by this code or chosen by a nonprocessing retailer (in the case where the nonprocessing retailer is permitted to choose the calendar month) as the period during which a nonprocessing retailer records the value of purchases of fluid milk products from all suppliers for use in the preparation of an application for a Volume Discount Eligibility Certificate for Fluid Milk Products in accordance with Section 4 of this code.
- (k) "Certificate holder" means any nonprocessing retailer to whom a Volume Discount Eligibility Certificate for Fluid Milk Products is issued by the Louisiana Dairy Stabilization Board.
- (l) "Filled milk (special milk)" means any product so designated by the Louisiana State Board of Health.
- (m) "Reene" means a filled milk containing at least 3.8% edible fat or oil, or other than milk fat, and which also contains not less than 8.5% of milk solids not fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (n) "Lo-reene" means a filled milk containing not less than 1.5% or more than 2.5% of edible fat or oil, other than milk fat, and which also contains not less than 8.5% of milk solids not

fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.

- (o) "Hi-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain at least 3.8% edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including any caseinate product, and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (p) "Lo-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain not less than 1.5% nor more than 2.5% of edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including any caseinate product and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (q) "Bulk container" means a container that is larger than one gallon and that is used for packaging fluid milk products; but the term "bulk container" does not include any container that is suitable for use in a dispenser, nor does it include any container used for packaging cottage cheese, creole cream cheese, or yogurt.

Section 2. see pages 294, 295, 296

Section 3. Sales of fluid milk products to institutions shall be at not less than the following prices:

Homogenized Milk:

One-half pint,	
paper or glass	Wholesale price less 10% [rounded to the nearest 1/10 cent (\$.001)]
All other items:	Wholesale price less 5% [rounded to the nearest 1/10 cent (\$.001) if the result is less than \$.10]

Section 4. Licensed processors and licensed distributors are authorized to give discounts to licensed nonprocessing retailers in accordance with the Volume Discount

Section 2. The following minimum wholesale and retail prices for fluid milk products are established:

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered
Homogenized Milk:			
Dispenser Milk, per gallon	1.50	-----	1.58
Bulk Milk, per gallon	1.46	-----	-----
One Gallon, NRP	1.56	1.66	1.70
One Gallon, Glass	1.45	1.53	1.57
One-Half Gallon, NRP	.80	.85	.87
One-Half Gallon, P or G	.76	.81	.83
One Quart, P or G	.39	.42	.43
One Pint, P or G	.20	.22	.24
One-Third Quart, P or G	.145	.17	.19
One-Half Pint, P or G	.11	.14	.14
Creamline Milk:			
One Gallon, G	1.56	1.66	1.70
One-Half Gallon, P or G	.78	.83	.85
One Quart, P or G	.40	.43	.44
Fortified Low Fat Milk:			
Dispenser Container, per gallon	1.48	-----	-----
One Gallon, NRP	1.54	1.64	1.68
One-Half Gallon, P or G	.75	.80	.82
One Quart, P or G	.38	.41	.42
One-Half Pint, P or G	.1075	.14	.14
Low Fat Milk:			
Dispenser Container, per gallon	1.46	-----	-----
One Gallon, NRP	1.52	1.62	1.66
One Gallon, G	1.44	1.54	1.58
One-Half Gallon, P or G	.74	.79	.81
One Quart, P or G	.38	.41	.42
One-Half Pint, P or G	.1075	.14	.14
Skim Milk:			
Dispenser Container, per gallon	1.32	-----	-----
Bulk Container, per gallon	1.28	-----	-----
One Gallon, G	1.29	1.34	1.39
One Gallon, NRP	1.40	1.48	1.52
One-Half Gallon, P or G	.68	.72	.74
One Quart, P or G	.35	.38	.39
One-Half Pint, P or G	.095	.12	.12

NRP—Nonreturnable Plastic; P—Paper; G—Glass; P or G—Paper or Glass

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered
Buttermilk:			
Bulk Container, per gallon	1.34	-----	-----
One-Half Gallon, P or G	.70	.74	.76
One Quart, P or G	.36	.39	.40
One Pint, P or G	.18	.20	.21
One-Third Quart, P or G	.145	.17	.18
One-Half Pint, P or G	.1025	.13	.14
Bulgarian Buttermilk:			
One-Half Gallon, P or G	.76	.81	.82
One Quart, P or G	.39	.42	.43
Cream, Half & Half:			
Bulk Container, per gallon	3.09	-----	-----
One-Half Gallon, P or G	1.63	1.75	1.80
One Quart, P or G	.84	.90	.92
One Pint, P or G	.42	.45	.46
One-Half Pint, P or G	.2275	.26	.27
One 1/2 oz. container	.019	-----	-----
One 3/4 oz. container	.032	-----	-----
Cream, Breakfast (light):			
Bulk Container, per gallon	4.68	4.93	5.03
One Quart, P or G	1.32	1.41	1.44
One-Half Pint, P or G	.37	.41	.42
Cream, Whipping:			
Bulk Container, per gallon	5.53	-----	-----
One Quart, P or G	1.66	1.78	1.81
One Pint, P or G	.83	.89	.92
One-Half Pint, P or G	.43	.48	.50
Sterile Whipping Cream:			
One Quart, P or G	1.70	1.82	1.85
One-Half Pint, P or G	.44	.49	.51
Chocolate Milk:			
Bulk Container, per gallon	1.50	-----	-----
One Quart, P or G	.42	.45	.46
One Pint, P or G	.215	.24	.26
One-Third Quart, P or G	.155	.18	.20
One-Half Pint, P or G	.115	.15	.15
Sour Cream:			
Bulk, per lb. (in cartons containing 5 lbs. or more)	.56	-----	-----
One-Half Gallon, P or G	2.52	2.64	2.65
One Quart, P or G	1.39	1.47	1.50
One Pint, P or G	.73	.78	.80
One-Half Pint, P or G	.41	.45	.46

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered
Cottage Cheese (Creamed or Dry):			
Bulk, per lb. (in cartons containing 5 lbs. or more), regular	.45	-----	-----
Bulk, per lb. (in cartons containing 5 lbs. or more), flavored	.46	-----	-----
One 2 lb. size carton	1.03	1.10	1.13
One 1 lb. size carton	.54	.57	.59
One 24 oz. size carton	.85	.91	.94
One 12 oz. size carton, regular	.45	.48	.50
One 12 oz. size carton, flavored	.46	.49	.51
One 10 oz. size carton	.41	.44	.46
One 9 oz. size carton	.38	.41	.43
Chocolate Drink:			
One Quart, P or G	.355	.38	.39
One Pint, P or G	.175	.19	.20
One-Half Pint, P or G	.095	.13	.13
Yogurt:			
One 12 oz. size carton	.33	.36	.38
One 8 oz. size carton, regular	.25	.28	.30
One 8 oz. size carton, flavored	.29	.32	.34
Egg Nog Drink (Butterfat Content, 10% or less):			
Bulk Container, per gallon	2.68	-----	-----
One-Half Gallon, P or G	1.49	1.64	1.67
One Quart, P or G	.75	.84	.86
Egg Nog Mix (Butterfat Content, more than 10%):			
Bulk Container, per gallon	4.28	-----	-----
One-Half Gallon, P or G	2.19	2.39	2.49
One Quart, P or G	1.12	1.24	1.29
Creole Cream Cheese:			
One 12 oz. size carton	.34	.37	.39
Special Milk Prices Lo-Reene:			
One-Half Gallon, P or G	.71	.76	.78

No licensee shall be in violation of this "Code of Minimum Prices for Fluid Milk Products" if the prices at which fluid milk products are sold by the licensee are the highest prices at which the licensee is permitted to sell such products by the applicable regulations, interpretations, rulings, and exceptions of the Federal Economic Stabilization Program.

Eligibility Certificate for Fluid Milk Products issued to each eligible nonprocessing retailer by the Louisiana Dairy Stabilization Board.

Volume Discount Eligibility Certificates for Fluid Milk Products shall be issued annually, shall become effective on the first day of April, and shall not be effective beyond the last day of March of the following year. Nonprocessing retailers who desire to receive such volume discounts from suppliers shall file an application for a Volume Discount Eligibility Certificate for Fluid Milk Products on an application form to be supplied by the Board. Such applicants shall supply the Board with the information requested by the Board on such application forms including specifically the total value of purchases of fluid milk products by the applicant from each supplier during the months of August, September, and October of the year preceding the year during which the certificate becomes effective.

The application submitted by a nonprocessing retailer for the volume discount year during which such retailer commences business shall include the total value of purchases of fluid milk products from each supplier during any calendar month of that volume discount year selected by the nonprocessing retailer. The calendar month selected by such nonprocessing retailer shall be the base period for the volume discount year during which such nonprocessing retailer commences business, and if the nonprocessing retailer commences business subsequent to the first day of August of that volume discount year, the calendar month selected shall also be the base period for the succeeding volume discount year. However, the Volume Discount Eligibility Certificate issued by the Board for the volume discount year during which such nonprocessing retailer commences business shall list the effective date of such certificate as the first day of the calendar month selected by such nonprocessing retailer; provided, that if the calendar month selected by such nonprocessing retailer is the calendar month that immediately follows the month during which such nonprocessing retailer commenced business, and if the nonprocessing retailer commenced business subsequent to the first day of the month, the effective date of such certificate shall be the date on which business was commenced.

No discounts may be given on sales to nonprocessing retailers which take place prior to the effective date shown on the nonprocessing retailer's Volume Discount Eligibility Certificate for Fluid Milk Products. The effective date to be shown on such certificates shall be (a) the first day of the volume discount year (except as set forth in the preceding paragraph) or (b) any date authorized by the Board's regulations.

In the event of a change of ownership in the retail establishment to which any such certificate is issued, the said certificate shall be automatically suspended until such time as the Director, in response to an application from the new owner, authorizes the transfer of the certificate from the previous owner to the new owner.

The Board shall issue a Volume Discount Eligibility Certificate for Fluid Milk Products to each nonprocessing retailer whose purchases of fluid milk products from all suppliers fall into one of the categories set forth hereinafter. Such certificates shall authorize the nonprocessing retailer to receive and processors and distributors to give volume discounts at not more than the following rate:

Average Monthly Purchases of Fluid Milk Products from All Suppliers During the Base Period	Discount Rate
\$1,000.00 to \$1,500.00	3%
\$1,500.01 to \$2,500.00	4%
\$2,500.01 to \$3,500.00	5%
\$3,500.01 to \$4,500.00	6%
\$4,500.01 and over	7%

Volume Discount Eligibility Certificates for Fluid Milk Products shall remain in effect throughout the volume discount year for which issued regardless of changes in volume purchased.

The term "volume discount year" is hereby defined to be that period of 12 months commencing on the first day of April and ending on the last day of March in the year which immediately follows.

Section 5. Effective date:

This amended price code shall become effective at 12:01 a.m. on August 9, 1975; provided, however, that the price code amendments that are scheduled to become effective on that date shall not result in an increase of the minimum price at which half pints of homogenized milk are sold to elementary schools or high schools, whether public or private.

Section 6. Contracts between institutions and suppliers of fluid milk products which are entered into and which have a duration of no more than 12 months shall be considered in compliance with the provisions of this code if the fluid milk products prices specified in such contracts equal or exceed the minimum prices which are in effect on the date of execution of such contracts.

Section 7. All processors and distributors selling fluid milk products to nonprocessing retailers in gallon glass containers shall obtain a deposit of at least 50 cents per container from such nonprocessing retailers.

Section 8. The maximum price at which half gallons of homogenized milk in paper containers may be sold by a nonprocessing retailer shall be 10 cents above the price at which such retailer purchases this product. In determining the nonprocessing retailer's buying price for purposes of this section, the discount received by the nonprocessing retailer in accordance with such retailers Volume Discount Eligibility Certificate for Fluid Milk Products shall be disregarded.

Section 9. For packing fluid milk products in dry ice or for furnishing dry ice and containers to be used in packing such products in dry ice, processors and distributors shall make the following charges:

For the container—6 cents per gallon for each gallon (or equivalent) of the product packed in dry ice. If the processor or the distributor supplies the container for use by the purchaser in packing the fluid milk products in dry ice, the charge shall be 6 cents per gallon for each gallon of capacity.

For the dry ice—6 cents per pound of dry ice used or furnished.

Section 10. None of the minimum prices established in this code include State and local sales taxes.

Section 11. The Board may suspend the operation of this code or any portion thereof in any parish or parishes for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law. In addition, the Board may suspend any word, sentence, paragraph, or section of this code for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law.

**Code of Minimum Prices for
Fluid Milk Products
Commission Sales Area No. 4**

Section 1. The following definitions shall be applicable throughout this code.

- (a) "Skim milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat percentage to not more than 1/2 of 1% (.5%).

(b) "Low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which no nonfat milk solids have been added.

(c) "Fortified low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which milk solids not fat have been added.

(d) "Processor" means any person engaged in the business of processing or packing bulk milk or other materials into any of the products listed or referred to in R.S. 40:940.1.

(e) "Fluid milk product" means any of the products listed or referred to in R.S. 40:940.1(1).

(f) "Institution" means any school, hospital, or other purchaser referred to in R.S. 40:940.19(13).

(g) "Wholesale price" means the price at which any fluid milk product is purchased:

(1) By a licensed nonprocessing retailer, or

(2) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to nonprocessing retailers and home-delivered customers, or

(3) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to persons who, at the time of the purchase, are engaged in pursuing their trade or occupation, and most of whom purchase milk in containers smaller than one quart in size.

(h) "Retail price out-of-store" means the price at which a fluid milk product is purchased by the consumer when delivery is not made to the consumer's residence. If delivery is made to the consumer's residence by a processor, a distributor, or a nonprocessing retailer (even if made along with delivery of nondairy items) the "retail price home-delivered" is applicable.

(i) "Retail price home-delivered" means the price at which a fluid milk product is purchased by the consumer when delivery is made to the consumer's residence.