

FCOS

Introduced: 2/6/69  
Referred: Commerce

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 122

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Weights and Measures Act."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 45.75.080(a) is amended to read:

9 (a) The director may inspect and test, to ascertain if they are  
10 correct, all weights and measures kept, offered, or exposed for sale.  
11 The director shall, at least annually and more often as he considers  
12 necessary, inspect and test, to ascertain if they are correct, all  
13 weights and measures commercially used (1) in determining the weight,  
14 measurement, or count of commodities or things sold, or offered or  
15 exposed for sale, on the basis of weight or of measure: (2) in  
16 computing the basic charge or payment for services rendered on the  
17 basis of weight or of measure or count; or (3) in determining weight  
18 or measurement when a charge is made for this determination.

19 \* Sec. 2. AS 45.75.200(a) is amended to read:

20 (a) Except as otherwise provided in this chapter, a [A] commodity  
21 in package form introduced or delivered for introduction into or  
22 received in intrastate commerce, kept for the purpose of sale, or  
23 offered or exposed for sale in intrastate commerce shall bear on  
24 the outside of the package a definite, plain, and conspicuous  
25 declaration of

26 (1) The net quantity of the contents in terms of weight,  
27 measure, or count. [AND]

28 (2) in the case of a package kept, offered, or exposed  
29 for sale, or sold in a place other than on the premises where

1 packed, the name and place of business of the manufacturer, packer,  
2 or distributor, and

3 (3) the identity of the commodity in the package unless  
4 it can easily be identified through the wrapper.

5 \* Sec. 3. AS 45.75 is amended by adding a new section to read:

6 Sec. 45.75.225. ADVERTISING PACKAGES FOR SALE. (a) When a  
7 commodity in package form is advertised in any manner and the retail  
8 price of the package is stated in the advertisement, there shall be  
9 closely and conspicuously associated with the statement of price a  
10 declaration of the basic quantity of contents of the package as is  
11 required by law or regulation to appear on the package.

12 (b) When the law or regulation requires a dual declaration of  
13 net quantity to appear on the package, only the declaration that is  
14 required to appear first and without parentheses on the package need  
15 appear in the advertisement.

16 (c) There may not be included as part of the declaration required  
17 by this section such qualifying terms as "when packed", "minimum",  
18 "not less than", or other terms of similar import nor terms qualifying  
19 a unit or weight, measure, or count such as "jumbo", "giant", "full",  
20 which tend to exaggerate the amount of commodity in the package.

21 \* Sec. 4. AS 45.75.240 is amended to read:

22 Sec. 45.75.240. MEAT, POULTRY, AND SEA FOOD. (a) Except as  
23 provided in (b) of this section, meat [MEAT], meat products, poultry,  
24 and sea food except shellfish, offered or exposed for sale or sold as  
25 food, shall be offered or exposed for sale and sold by [UNIT OR]  
26 weight. When meat, poultry, or sea food is combined with or associated  
27 with some other food element to form either a distinctive food product  
28 or a food combination, the food product or combination shall be offered  
29 or exposed for sale and sold by [UNIT OR] weight. The quantity

1 representation may be the total weight of the product or combination,  
2 and a quantity representation need not be made for each of the several  
3 elements of the product or combination.

4 (b) This section does not apply to meat, meat products, poultry  
5 or sea food which is for immediate consumption on the premises where  
6 sold, or as one of several elements comprising a ready-to-eat meal  
7 not to be consumed on the premises where sold.

8 \* Sec. 5. AS 45.75.270 is amended to read:

9 Sec. 45.75.270. FLUID DAIRY PRODUCTS. Fluid dairy products,  
10 including but not limited to whole milk, skimmed milk, cultured milk,  
11 sweet cream, sour cream, and buttermilk, shall be packaged for retail  
12 sale only in units of one gill, one-half liquid pint, 10 fluid  
13 ounces, one liquid pint, one liquid quart, one-half gallon, one  
14 gallon, one and one-half gallon, two and one-half gallon, or multiples  
15 of one gallon. However, packages in units of less than one gill are  
16 permitted.

17 \* Sec. 6. AS 45.75.280 is amended to read:

18 Sec. 45.75.280. FLOUR, CORN MEAL, AND HOMINY GRITS. When in  
19 package form, and when packed, kept, offered, or exposed for sale or  
20 sold, wheat flour, whole wheat flour, graham flour, self-rising wheat  
21 flour, phosphated wheat flour, bromated flour, enriched flour,  
22 enriched self-rising flour, enriched bromated flour, corn flour, corn  
23 meal, and hominy grits shall be packaged only in units of 2 [3], 5,  
24 10, 25, 50, or 100 pounds, avoirdupois weight. However, packages  
25 in units of less than two [THREE] pounds or more than 100 pounds are  
26 permitted.

27 \* Sec. 7. AS 45.75 is amended by adding a new section to read:

28 Sec. 45.75.282. BULK DELIVERIES SOLD IN TERMS OF WEIGHT AND  
29 DELIVERED BY VEHICLE. (a) When a vehicle delivers to an individual

1 purchaser a commodity in bulk, and it is sold in terms of weight  
2 units, the delivery shall be accompanied by a duplicate delivery  
3 ticket which shall clearly state in ink or by means of other  
4 indelible marking equipment, and equal in clarity to type or  
5 printing

6 (1) the name and address of the vendor,

7 (2) the name and address of the purchaser, and

8 (3) the net weight of the delivery expressed in pounds,  
9 and if the net weight is derived from determinations of gross and  
10 tare weights, these weights shall also be stated in terms of pounds.

11 (b) One of the tickets provided for in (a) shall be retained  
12 by the vendor, and the other shall be delivered to the purchaser  
13 at the time of delivery of the commodity, or surrendered, on demand,  
14 to the director, or the deputy director, or an inspector, or a  
15 sealer, or a deputy sealer, who, if he wants to retain it as  
16 evidence, shall issue a weight slip in place of it.

17 (c) If the purchaser carries away his purchase, the vendor  
18 is required only to give him at the time of sale a delivery ticket  
19 stating the number of pounds of commodity delivered to him.

20 \* Sec. 8. AS 45.75 is amended by adding a new section to read:

21 Sec. 45.75.288. FURNACE AND STOVE OIL. (a) Furnace and stove  
22 oil shall be sold by liquid measure or by net weight. When a  
23 delivery of liquid fuel is made in non-package form and in an amount  
24 greater than 10 gallons if the sale is by liquid measure, greater  
25 than or 100 pounds if the sale is by weight, the purchaser shall  
26 receive from the vendor a delivery ticket or written statement which  
27 clearly states in ink or by means of other indelible marking equip-  
28 ment equal in clarity to type or printing

29 (1) the name and address of the vendor,

1 (2) the name and address of the purchaser,  
2 (3) the identity of the type of fuel delivered,  
3 (4) the price per gallon or per pound of the fuel  
4 delivered,

5 (5) if a sale is by liquid measure, the liquid volume  
6 of the delivery, together with any meter readings from which the  
7 liquid volume was computed, expressed in terms of the gallon and  
8 its binary or decimal subdivisions, and

9 (6) if a sale by weight, the net weight of the delivery,  
10 together with any weighing scale readings from which the net weight  
11 was computed, expressed in terms of tons or pounds avoirdupois.

12 \* Sec. 9. AS 45.75.390 is amended by adding new paragraphs to read:

13 (12) "consumer package" or "package of consumer commodity"  
14 means a commodity in package form that is customarily produced or dis-  
15 tributed for sale through retail sales agencies or instrumentalities  
16 for consumption by individuals or use by individuals for the purposes  
17 of personal care or in the performance of services ordinarily rendered  
18 in or about the household or in connection with personal possessions;

19 (13) "nonconsumer package" or "package of nonconsumer  
20 commodity" means a commodity in package form other than a consumer  
21 package, and particularly a package designed solely for industrial or  
22 institutional use or for wholesale distribution only.  
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