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COMMITTEE REPORT

SENATE

3/1/82

FURTHER: None

Date: 4-7-82

Mr. President: HEALTH, EDUCATION & SOCIAL SERVICES
The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had HB 597 am
sale of food

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Handwritten signatures]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Handwritten signature]
CHAIRMAN

I would recommend that DOT/PF and DNR,
Div. of Parks coordinate on planning for a
complete - parking area - work ramp at the
terminus of the road and insure that funding
is available not only for construction but also
maintenance. If this is feasible then this
proposal and the Public testimony should be
submitted to the Legislature for a final decision
on whether to continue or not,
Under these circumstances I would recommend
a road use permit be issued for construction,
However, if an adequate Terminus Permit can

We agreed upon on if the Legislature feels the
the project is not in the best interests of the
public then I would recommend denial of
the permit.

MEMORANDUM

3-19-82

TO AUSTIN ~~SPARTAN~~ SAUPE

FROM Mike TINKER

Section

- 270. Fluid dairy products
- 280. Flour, corn meal, and hominy grits
- 282. Bulk deliveries sold in terms of weight and delivered by vehicle
- 288. Furnace and stove oil

Section

- 290. Coal, coke, and charcoal
- 300. Textile products
- 310. Berries and small fruits
- 320. Construction of contracts

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Sec. 45.75.190. Method of sale of commodities. (a) Commodities in liquid form may be sold only by liquid measure or by weight. Except as otherwise provided in this chapter, commodities not in liquid form may be sold only by weight, by measure of length or area, or by count. However, liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if the method gives accurate information as to the quantity of commodity sold.

(b) The provisions of this section do not apply to

- (1) commodities when sold for immediate consumption on the premises where sold;
- (2) vegetables when sold by the head or bunch;
- (3) commodities in containers standardized by a law of this state or by federal law;
- (4) berries and small fruits when sold by dry measure in accordance with AS 45.75.310;
- (5) commodities in package form when there exists a general consumer usage to express the quantity in some other manner;
- (6) concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, and crushed stone, when sold by cubic measure; or
- (7) unprocessed vegetable and animal fertilizer sold by cubic measure.

(c) The director may issue reasonable regulations necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative. (§ 22 ch 101 SLA 1961)

Am. Jur. 2d reference. — 67 Am. Jur. 2d, Sales, § 1 et seq.

Delete
§.310
Sec. 45.75.200. Declarations of quantity and origin on packages. (a) Except as otherwise provided in this chapter, a commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce shall bear on the outside of the package a definite, plain, and conspicuous declaration of

- (1) the net quantity of the contents in terms of weight, measure, or count;
- (2) in the case of a package kept, offered, or exposed for sale, or sold in a place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor; and

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

(b) In the declaration required under (a)(1) of this section the qualifying term "when packed" or other words of similar import, or a term qualifying a unit of weight, measure, or count such as for example "jumbo," "giant," "full," and the like that tends to exaggerate the amount of commodity in a package, may not be used.

(c) Under (a)(1) of this section the director shall, by regulation, establish (1) reasonable variations or tolerances to be allowed, which may include variations below the declared weight or measure caused by ordinary and customary exposure, only after the commodity is introduced into intrastate commerce, to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure, (2) exemption as to small packages, and (3) exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at the time of sale to the consumer. (§ 23 ch 101 SLA 1961; am § 2 ch 78 SLA 1969)

add → d.
Sec. 45.75.210. Declarations of unit price on random packages. In addition to the declarations required by AS 45.75.200, a commodity in package form, which is one of a lot containing random weights, measures, or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count. (§ 24 ch 101 SLA 1961)

Sec. 45.75.220. Misleading packages. No commodity in package form may be so wrapped, or put in a container so made, formed, or filled as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container may not fall below the reasonable standard of fill which the director prescribes for the commodity. (§ 25 ch 101 SLA 1961)

Sec. 45.75.225. Advertising packages for sale. (a) When a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with the statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package.

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

(c) There may not be included as part of the declaration required by this section such qualifying terms as "when packed," "minimum," "not less than," or other terms of similar import nor terms qualifying a unit or weight, measure, or count such as "jumbo," "giant," "full," which

tend to exaggerate the amount of commodity in the package. (§ 3 ch 78 SLA 1969)

Cross reference. — As to unlawful acts and practices with regard to advertising, see AS 45.50.471.

Sec. 45.75.230. Misrepresentation of price. When a commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, and the price shall not be represented in a manner calculated or tending to mislead or deceive an actual or prospective purchaser. When an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents. (§ 27 ch 101 SLA 1961)

Sec. 45.75.240. Meat, poultry, and sea food. (a) Except as provided in (b) of this section, meat, meat products, poultry, and sea food except shellfish, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight. When meat, poultry, or sea food is combined with or associated with some other food element to form either a distinctive food product or a food combination, the food product or combination shall be offered or exposed for sale and sold by weight. The quantity representation may be the total weight of the product or combination, and a quantity representation need not be made for each of the several elements of the product or combination.

(b) This section does not apply to meat, meat products, poultry or sea food which is for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal not to be consumed on the premises where sold. (§ 28 ch 101 SLA 1961; am § 4 ch 78 SLA 1969)

Original
Delete
→ **Sec. 45.75.250. Bread.** Each loaf of bread and each unit of a twin or multiple loaf made or procured for sale, kept, offered, exposed for sale, or sold, whether or not the bread is wrapped or sliced, shall weigh one-half pound, one pound, one and one-half pounds, or a multiple of one pound, avoirdupois weight, within reasonable variations or tolerances established by regulation by the director. This section does not apply to biscuits, buns, or rolls, weighing four ounces or less, or to stale bread sold and expressly represented at the time of sale as such. The marking provisions of AS 45.75.200 do not apply to unwrapped loaves of bread. (§ 29 ch 101 SLA 1961)

Delete
→ **Sec. 45.75.260. Butter, oleomargarine, and margarine.** Butter, oleomargarine, and margarine shall be offered and exposed for sale and

sold by weight and only in units of one-fourth pound, one-half pound, one pound, or multiples of one pound, avoirdupois weight. (§ 30 ch 101 SLA 1961)

Delete →

Sec. 45.75.270. Fluid dairy products. Fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, shall be packaged for retail sale only in units of one gill, one-half liquid pint, 10 fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two and one-half gallon, or multiples of one gallon. However, packages in units of less than one gill are permitted. (§ 31 ch 101 SLA 1961; am § 5 ch 78 SLA 1969) ←

Delete →

Sec. 45.75.280. Flour, corn meal, and hominy grits. When in package form, and when packed, kept, offered, or exposed for sale or sold, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal, and hominy grits shall be packaged only in units of 2, 5, 10, 25, 50, or 100 pounds, avoirdupois weight. However, packages in units of less than two pounds or more than 100 pounds are permitted. (§ 32 ch 101 SLA 1961; am § 6 ch 78 SLA 1969) ←

Sec. 45.75.282. Bulk deliveries sold in terms of weight and delivered by vehicle. (a) When a vehicle delivers to an individual purchaser a commodity in bulk, and it is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket which shall clearly state in ink or by means of other indelible marking equipment, and equal in clarity to type or printing

- (1) the name and address of the vendor,
- (2) the name and address of the purchaser, and
- (3) the net weight of the delivery expressed in pounds, and if the net weight is derived from determinations of gross and tare weights, these weights shall also be stated in terms of pounds.

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

(c) If the purchaser carries away his purchase, the vendor is required only to give him at the time of sale a delivery ticket stating the number of pounds of commodity delivered to him (§ 7 ch 78 SLA 1969)

Sec. 45.75.288. Furnace and stove oil. (a) Furnace and stove oil shall be sold by liquid measure or by net weight. When a delivery of liquid fuel is made in non-package form and in an amount greater than 10 gallons if the sale is by liquid measure, 100 pounds or greater if the

sale is by weight, the purchaser shall receive from the vendor a delivery ticket or written statement which clearly states in ink or by means of other indelible marking equipment equal in clarity to type or printing

- (1) the name and address of the vendor;
- (2) the name and address of the purchaser;
- (3) the identity of the type of fuel delivered;
- (4) the price per gallon or per pound of the fuel delivered;
- (5) if a sale is by liquid measure, the liquid volume of the delivery, together with any meter readings from which the liquid volume was computed, expressed in terms of the gallon and its binary or decimal subdivisions; and
- (6) if a sale by weight, the net weight of the delivery, together with any weighing scale readings from which the net weight was computed, expressed in terms of tons or pounds avoirdupois. (§ 8 ch 78 SLA 1969)

Sec. 45.75.290. Coal, coke, and charcoal. (a) Coal, coke, and charcoal shall be sold by weight. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke, or charcoal to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there are clearly stated (1) the name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds.

(b) One of the tickets provided for under (a) of this section shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered, on demand, to the director, or the deputy director or an inspector, or a sealer or deputy sealer, who, if he desires to retain it as evidence, shall issue a weight slip in place of it for delivery to the purchaser. If the purchaser carries away his purchase, the vendor is required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to him. (§ 33 ch 101 SLA 1961)

Sec. 45.75.300. Textile products. It is unlawful to keep for the purpose of sale, offer or expose for sale, or sell textile yard goods put up or packaged in advance of sale in a bolt or roll, or any other textile product put up or packaged in advance of sale in any other unit, for wholesale or retail sale, unless the bolt or roll, or other unit, is definitely, plainly, and conspicuously marked to show its net measure in terms of yards or its net weight, in terms of avoirdupois pounds or ounces, subject to the following limitations and requirements:

- (1) a unit of twine or cordage may be marked to show its net measure in terms of feet; readywound bobbins not sold separately are not required to be individually marked, but the package containing the bobbins shall be marked to show the number of bobbins contained in

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Section
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it and the net weight or measure of the thread on each bobbin; a unit of sewing, basting, mending, darning, crocheting, tatting, hand-knitting, or embroidery thread or yarn, except nylon hand-knitting yarn, that is not composed in whole or in part of wool, the net weight of which is less than two ounces avoirdupois, shall be marked to show its net measure in terms of yards as unwound from the ball or from the spool or other holder; a retail unit of a textile product sold only for household use consisting of a package containing two or more similar individual units that are not sold separately shall be marked to show the number of individual units in the package and the net weight or net measure of the product in each individual unit, but this does not apply where the individual units are separately marked; a unit of yarn, composed in whole or in part of wool, sold to consumers for handiwork, shall be marked to show the net weight of the yarn, except that any such unit of tapestry, mending, or embroidery yarn, the net measure of which does not exceed 50 yards, may be marked to show its linear measure only;

(2) the marking required by this section shall in all cases be in combination with the name and place of business of the manufacturer, packer, or distributor of the product, or a trademark, symbol, brand, or other mark that identifies the manufacturer, packer, or distributor;

(3) reasonable tolerances shall be permitted, and these shall be included in regulations for the enforcement of this section that are issued by the director;

(4) this section does not apply to the following textile products when sold at wholesale in bulk by net weight: cordage, agricultural bag sewing threads, twines, yarns that are to be processed, and yarns that are to be industrially converted into end-use products. (§ 34 ch 101 SLA 1961)

Delete
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Sec. 45.75.310. Berries and small fruits. Berries and small fruits shall be offered and exposed for sale and sold by weight, or by measure in open containers having capacities of one-half dry pint, one dry pint, or one dry quart. The marking provisions of AS 45.75.200 do not apply to these containers. (§ 35 ch 101 SLA 1961)

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Sec. 45.75.320. Construction of contracts. Fractional parts of a unit of weight or measure mean like fractional parts of the value of the unit as prescribed or defined in AS 45.75.010 and 45.75.390(1), and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement. (§ 36 ch 101 SLA 1961)

Article 4. Enforcement.

Section

- 330. Injunction
- 340. Presumptive evidence
- 350. Validity of prosecutions

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 597 am
 Title An Act relating to the sale of food
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Commerce and Economic Development
 Program Category Affected Consumer Protection
 BRU, Program, Or Subprogram(s) Affected Weights and Measures
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
POSITIONS	0	0	0	0	0	0

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						
	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 4/7/82 PREPARED BY Joseph Swanson
 AGENCY Weights and Measures
 Original: Legislative Finance PHONE 345-3886
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

HB 597

Sale of Food

- Makes a greater variety of products and product sizes available to Alaskan consumers
- Reduces unnecessary regulation on business and allows for more efficient operations (by allowing more cost effective purchasing practices)
- This legislation does not eliminate the requirement that ~~products~~ *manufactures* disclose the weight and measure of the contents of the packaged product or that such weight and measure be printed on the package.