

ACT 87

S.B. NO. 1364

A Bill for an Act Relating to Weights and Measures and Packaging and Labeling; and Amending Chapter 486, Hawaii Revised Statutes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 486-9, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 486-9 Specific powers and duties of directors; regulations. The director shall issue from time to time reasonable regulations for the enforcement of this chapter. These regulations shall have the force and effect of law and shall govern the use or application of weights and measures and weights and measures transactions in the State. The regulations may include:

- (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form,
- (2) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of approval and rejection to be used, by inspectors of weights and measures in the discharge of their official duties,
- (3) exemptions from the sealing, labeling or marking requirements of this chapter,
- (4) rules governing the voluntary registration of servicemen and service agencies,
- (5) schedules and fees for licensing commercial weighing and measuring devices for testing or certification,

- (6) specifications, tolerances, and other technical requirements with respect to the packaging, handling, storing, advertising, labeling, dispensing, and selling of petroleum products which the director deems necessary for the protection of the consumer,
- (7) rules to assure that amounts of commodities or services sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative to all parties at interest, and
- (8) standard methods of ingredient, nutritional, cholesterol, fat, fatty acids, dietary, vitamins and minerals, spices and flavors, and imitation foods labeling consistent with federal requirements.

These regulations shall include specifications, tolerances and other technical requirements designed to eliminate from use those weights and measures:

- (a) that are not accurate,
- (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or
- (c) that facilitates the perpetration of fraud.

The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices as recommended and published by the National Bureau of Standards, together with regulations issued by the director under authority of this chapter, shall be the specifications, tolerances, and other technical requirements for weights and measures of the state.

The director may pursuant to chapter 91 adopt, in whole or in part, any amendment or supplement to the National Bureau of Standards publication or any subsequent similar publication by such bureau. For the purpose of this chapter, a weight or measure is "correct" when it conforms to all applicable sections of this chapter or to such regulations promulgated pursuant thereto; all other weights and measures are "incorrect".*

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 31, 1974.)

*Edited accordingly.