

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Hemp Flower Scales for Packagers

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

[https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx](https://datcp.wi.gov/Pages/About%20Us/GuidanceDocuments.aspx)

DEADLINE FOR SUBMISSION

The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 98, Wis. Admin. Code, chs. 90 and 91.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Lara Sutherlin
Administrator
Division of Trade and Consumer Protection



Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Trade and Consumer Protection
PO Box 8911, Madison, WI 53708-8911
Phone: 6082244942 Fax: 6082237732
GUIDANCE DOCUMENT

Hemp Flower Scales for Packagers

This guidance document is based on Wis. Stat. ch. 98 and chapter(s) ATCP 90 and 91 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

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Click or tap here to enter text.

August 15, 2019

Lara Sutherlin - Administrator, Division of Trade and Consumer Protection

DATE

Contributors:



Hemp Flower Scales for Packagers

BUREAU OF WEIGHTS & MEASURES

PO Box 8911

Madison, WI 53708

608-224-4942

[datcpweightsandmeasures](mailto:datcpweightsandmeasures@wisconsin.gov)

[@wisconsin.gov](mailto:datcp.wi.gov)

datcp.wi.gov

RESOURCES

Wis. Admin. Code ATCP 90

https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/90.pdf

Wis. Admin. Code ATCP 91

https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/91.pdf

Basics of Tare fact sheet

<https://datcp.wi.gov/Documents/BasicsTareFAQ.pdf>

Hemp Flower and CBD Products Method of Sale and Labeling fact sheet

<https://datcp.wi.gov/Documents/HempCBDMETHODofSaleFactSheet.pdf>

Selling Hemp Flower from Bulk fact sheet

<https://datcp.wi.gov/Documents/HempBulkFactSheet.pdf>

Hemp Flower Scales for Retailers fact sheet

<https://datcp.wi.gov/Documents/HempScalesRetailersFactSheet.pdf>

Businesses or individuals packaging hemp flower for retail sale are responsible for the contents and labeling of the package.

Recommendations for selecting a packaging scale

- Unlike scales used in direct sales, packaging scales are not required to be approved by NTEP or be legal for trade.
- Before thinking about capacity, consider **accuracy** of the scale. If you typically package 3.5 gram (g), 7g, and 28g packages, it is strongly recommended that you weigh your product on a scale that has a division size or "increment" of 0.01g.
 - When Weights & Measures inspectors inspect your packaged product, they will verify that the packages are not short-weight. In addition, no package may exceed the maximum allowable variation (MAV). In the weight ranges 0 – 30g, the MAV limit is 0.1g per 1 gram. If any package exceeds this limit, the entire lot will fail. (An "inspection lot" may include all of the packages of that product on the premises) If your scale's division size is only 0.1g, you are expecting your scale to be 100% accurate and not have any rounding error. This is not a practical expectation.
 - Packages found short-weight will be ordered off sale. In addition, the responsible party may face civil or criminal penalties.
- After determining the accuracy that you need, think about the **capacity** that you need or may need in the future. Maybe you currently only weigh packages up to 1 oz. At this point, a 100g scale with a division size of 0.01g would be sufficient. However, if you think that you may end up wanting to package 1 lb packages in the future, you may want to look at a scale that has a capacity of 600g and division size of 0.01g.
- Consider how you will be using the scale and which scale **functions** would meet your needs. For example, do you need a scale with multiple units like grams, ounces, kilograms, and pounds? Do you need a scale that is battery operated? Do you need a scale that interfaces with a particular PC or printer, and that deducts tare?
- Pay attention to the **size of the scale deck** (the platform where product is placed to weigh). Large quantities will not fit on a small scale deck.

Net weight and tare

- Packages are required to be labeled by net weight. **Net weight** is the weight of the actual commodity itself; **tare** is all of the remaining material used in the packaging and preservation of the product that is not part of the actual commodity for sale. For more information on tare, please see our fact sheet: <https://datcp.wi.gov/Documents/BasicsTareFAQ.pdf>

For labeling requirements of packages, see our [Hemp Flower and CBD Products Method of Sale and Labeling fact sheet](#).

Questions? Contact us at 608-224-4942 or DATCPWeightsAndMeasures@wisconsin.gov