

## **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 Retailers**

#### **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_Us/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_Us/GuidanceDocuments.aspx)

#### **DEADLINE FOR SUBMISSION**

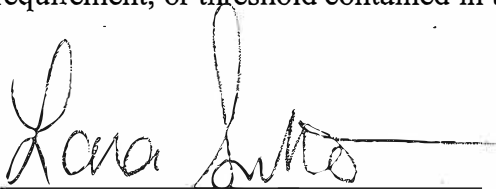
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

#### **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 Retailers

*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.*

5 (TCP)

Click or tap here to enter text.

August 15, 2019

Lara Sutherland - Administrator, Division of Trade and Consumer Protection

DATE

Contributors:



# Hemp Flower Scales for Retailers

Retailers that weigh product at the time of sale to the customer are required by state law to use a legal-for-trade, NTEP-approved scale. This requirement includes the sale of hemp flower. Below are steps to help you select the right scale for your business.

## BUREAU OF WEIGHTS & MEASURES

PO Box 8911  
Madison, WI 53708  
608-224-4942  
datcpweightsandmeasures@wisconsin.gov  
datcp.wi.gov

## RESOURCES

**Wis. Admin. Code ATCP 90**  
[https://docs.legis.wisconsin.gov/code/admin\\_code/atcp/090/90.pdf](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](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 Packagers fact sheet**  
<https://datcp.wi.gov/Documents/HempScalesPackagersFactSheet.pdf>

### Step 1: Obtain a legal-for-trade, suitable scale

- DATCP strongly encourages that scales and balances be purchased from a Wisconsin licensed service company. A licensed service company will help you find a suitable, legal-for-trade scale and will calibrate and install the unit.
- If you chose to purchase a scale from an alternative source, you must:
  - Determine the weight range that you will be typically using for the scale. This weight range will determine the scale division size. (A scale division is the smallest increment displayed by a scale.)

If your typical weighing range is...	...select a scale with a division size of:
0 – 10 grams (g)	0.01 g
10 – 100 g	0.1 g
100 – 1,000 g	1 g

- If your business is selling product in 1g, 3.5g, or 7g increments, you will need a scale with a division size of 0.01 g.
- Scales are required to have a division size “d” or a verification scale division “e” (if “e” is larger than “d”) of no greater than the listed maximum increment.
  - Determine the maximum capacity that you will need for the scale.
  - Ensure the scale you are purchasing is National Type Evaluation Program (NTEP) approved. All approved NTEP scales come with a Certificate of Conformance (CoC) number. You can search by CoC # to verify that the scale is NTEP approved here: [https://www.ncwm.net/ntep/cert\\_search](https://www.ncwm.net/ntep/cert_search)

### Step 2: Set up your scale

- The scale must be calibrated by a Wisconsin licensed service company prior to use. If a scale is relocated from another physical address, it must be recalibrated prior to use.
- The scale must be placed on a solid surface, leveled, and be in plain sight of consumers.
- The scale must be installed and operated according to manufacturer instructions and Wisconsin law.

### Step 3: License your scale (if required)

- Some Wisconsin municipalities operate their own weights and measures program and may require an annual scale license, test, and/or fee. For the specific requirements in your area, contact your local weights and measures program: <http://wiwma.org/weights-measures-directory/>