

STAND. COM. REP. NO. 795

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 694
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 694 entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to require that
food scales be located within one hundred feet of self-service
food items sold by weight.

Your Committee received testimony in support of this measure
from the O'ahu County Committee on Legislative Priorities of the
Democratic Party of Hawai'i. Your Committee received testimony in
opposition to this measure from the Hawaii Food Industry
Association and Retail Merchants of Hawaii. Your Committee
received comments on this measure from the Department of
Agriculture.

Your Committee finds that this measure would require food
scales to be located within one hundred feet of self-service food
items sold by weight. However, your Committee has heard the
testimony expressing concerns that, as retail space is limited and
valuable, requiring scales to be placed within one hundred feet of
self-service food items may not be practical or necessary. Your
Committee has also heard the concerns raised in testimony about
the negative economic impact this measure may have on small
businesses and farmers' markets, as scales are not cheap to



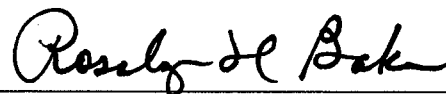
purchase or consistently calibrate. Your Committee appreciates these concerns and believes further consideration regarding potential consequences of this measure on small businesses and farmers' markets is warranted as this measure moves through the legislative process.

Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have required a self-service food seller to locate a scale no further than one hundred feet from the self-service food being offered for sale;
- (2) Requiring a seller to provide a scale for a customer to use before sale that is approved for use, accurate, and properly licensed by the Department of Agriculture as a commercial measuring device and that indicates the price of the item being weighed;
- (3) Inserting language that exempts farmers' markets;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 694, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 694, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 694	CPH	2/22/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
CHANG, Stanley (VC)				/
KEOHOKALOLE, Jarrett	/			
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.				/
THIELEN, Laura H.	/			
FEVELLA, Kurt	/			
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive;">Clarence K. Nishihara</div>				
Distribution: <div style="display: flex; justify-content: space-around; font-size: small;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes