

SB694

Measure Title:	RELATING TO CONSUMER PROTECTION.
Report Title:	Consumer Protection; Scales; Self-Service; Retail Food Sales
Description:	Requires that food scales be located within 100 feet of self-serve food items sold by weight.
Companion:	HB260
Package:	None
Current Referral:	CPH
Introducer(s):	ENGLISH, GABBARD, Baker, Fevella, Ihara, Kim, Shimabukuro

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Acting Chairperson
Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF THE DEPARTMENT OF AGRICULTURE
BEFORE THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION,
& HEALTH

FEBRUARY 22, 2019
9:35 A.M.
CONFERENCE ROOM 229

SENATE BILL NO. 694
RELATING TO CONSUMER PROTECTION

Chairperson Baker and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 694, relating to retail self-service food scales. This bill requires the seller to locate the scale no farther than 100 feet from the self-service food being sold. The Department offers comments.

The Department is not concerned about the location of the scale, but rather that the scale must be type approved for use, accurate, and properly licensed by the Department as a commercial measuring device.

Thank you for the opportunity to testify on this measure.





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Derek Kurisu, KTA Superstores, *Advisor*

TO:

Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: February 22, 2019
TIME: 9:35am
PLACE: Conference Room 229

RE: SB694 Relating to Consumer Protection

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

This measure requires that food scales be located within 100 feet of self-serve food items sold by weight.

There is no definition of self-service food. There is no definition of scale. Our members are very concerned that this bill could include self serve hot and cold buffet in retail locations. Random weight cheeses, meats, cold cuts, prepackaged produce (salads), etc. Many locations sell a majority of self-service food. The price of the item should be apparent at checkout. The problem is that many items are self-serve but also pre-packaged and those items usually already contain a price. If the self-serve item contains a price then there should be no need for a scale. Retail space is limited and valuable, we don't want to be forced to place a scale where it is not necessary as the store has either already weighted and priced the pre-packaged self-serve item or the individual will have the item weighted at checkout. If the price is too high at checkout the individual can choose to not purchase any item. If there are issues OCP should be able to write a rule that the customer should have a reasonable idea of the price on food bars prior to checkout – if that is the intent. Writing a law such as this may cause many unintended consequences while a rule from OCP would not.

We thank you for the opportunity to testify.



**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 22, 2019
Re: SB 694 Relating to Consumer Protection**

Good morning Chairperson Baker and members of the Senate Committee on Commerce, Consumer Protection and Health. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

We are opposed to SB 694 Relating to Consumer Protection that would require that food scales be located within 100 feet of self-serve food items sold by weight.

It is our understanding that food scales are already located in brick and mortar stores where self-serve food items are served by weight.

This would have the most economic impact on small businesses as scales are not cheap to purchase or maintain the calibrations. Small businesses and Farmers Markets that sell vegetables, fruits and other ready to eat items would have to purchase additional costly scales.

Currently small businesses with limited number of scales are willing to weigh the items prior to purchase or help customers attain as close to the requested amount by weight of their items.

Retailers are already operating on a very thin margin. With the recent jump in supplies of goods, services and health care benefits, some businesses are struggling. Policy makers should be focusing on eliminating obstacles to business growth, job creation and economic stability and not adding additional mandated costs that employers cannot afford.

We urge you NOT to impose another government mandate on business and ask that you **DEFER** this measure.

Mahalo again for this opportunity to testify.

SB-694

Submitted on: 2/21/2019 8:32:47 AM

Testimony for CPH on 2/22/2019 9:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments: