

4-9-6 Department duties -- Seizure of incorrect weights and measures.

- (1) The department may:
 - (a) establish weights and measures standards, specifications, and tolerances for:
 - (i) all commodities;
 - (ii) the fill for any commodity contained in a package;
 - (iii) labels or labeling of a commodity; and
 - (iv) weights and measures used commercially;
 - (b) inspect and test weights and measures kept, offered, or exposed for sale to determine if they are correct;
 - (c) inspect and test weights and measures commercially used to determine if they are correct;
 - (d) test all weights and measures used to check the receipt or disbursement of supplies used by a state agency or institution funded by the state;
 - (e) in accordance with sampling procedures recognized and designated in Handbook 133, Checking the Net Contents of Packaged Goods, National Institute of Standards and Technology, inspect and test any packaged commodity kept, offered, or exposed for sale, sold, or in the process of delivery, to determine if the package contains the amount represented;
 - (f) determine the appropriate term or unit of weight or measure to be used for container sizes, if the department determines that an existing practice of declaring the quantity by weight, measure, count, or any combination of these practices, hinders value comparisons by consumers;
 - (g) approve correct weights and measures and reject and mark as "rejected," weights and measures that are incorrect;
 - (h) allow reasonable variations from a stated weight or measure caused by loss or gain due to:
 - (i) moisture during the course of acceptable distribution practices; or
 - (ii) unavoidable deviations in acceptable manufacturing practices;
 - (i) grant an exemption from the requirements of this chapter or from any rule promulgated under this chapter, when the department determines that the exemption is necessary for the maintenance of acceptable commercial practices;
 - (j) maintain on file, for public inspection, a copy of each handbook prepared by the National Institute of Standards and Technology which is used to enforce this chapter; and
 - (k) establish and charge fees as authorized under Subsection 4-2-2(2) for the inspection of weights and measures.
- (2) The department may seize weights and measures that are:
 - (a) incorrect and are not corrected within a reasonable time specified by the department; or
 - (b) used or disposed of in a manner not authorized by the department.

Amended by Chapter 358, 2004 General Session