



SCALE MANUFACTURERS ASSOCIATION

P.O. Box 26972 – Columbus, Ohio 43226

Tel: 866-372-4627

Web Site: <http://www.scalemanufacturers.org>

2018 NORTHEASTERN WEIGHTS AND MEASURES ASSOCIATION RESPONSES

1. Does your state permit an existing vehicle scale to be extended by turning it into a multi-platform system by adding an independent platform? If so, is there a limit on how many times a vehicle scale can be extended? Are there restrictions on the amount of dead space permitted between the scale and the extension?

Connecticut: Handle on a case-by-case basis; must be in conformance with manufacturer's guidance. Only NTEP scales eligible for this process.

Maine: Don't know; don't want to answer and be incorrect.

Massachusetts: Would consider and test only NTEP scales. If the scales are not NTEP, then would not allow.

New Hampshire: No guidelines; would handle on a case-by-case basis, as long as the scales are NTEP.

New Jersey: No, not at this time; but not opposed to looking at it.

New York: Would review on a case-by-case basis; only NTEP approved scales.

Pennsylvania: Buy a new scale! In reality, would have to make a good case for it, and only on NTEP scales. Would rarely allow modification.

Rhode Island: (Absent)

Vermont: On a case-by-case basis. We would want to talk to the company to see if it makes sense to do this for the application.

2. How does your state deal with the inspection and installation of railroad scales? Does your State Law have jurisdiction or is the AAR the sole decision maker?

Connecticut: We have jurisdiction, but no expertise in this area. We would witness the test, though.

Maine: We do not test rail scales. Not positive, but think we would have jurisdiction.

Massachusetts: State law gives W&M jurisdiction over all commercial devices, but don't know if we test RR scales. A few truck scale companies have the weights necessary, like weight carts with outriggers, but don't know if we've ever done any. Our state does not have any equipment to test RR scales.

New Hampshire: Don't know.

New Jersey: We have jurisdiction, but rarely if ever at all test. I would witness the test.

New York: We do witness test if it is a HB44 commercial device; we have jurisdiction.

Pennsylvania: We have jurisdiction, but it's done by witness testing. We have an MoU with a certified test car.

Rhode Island: (Absent)

Vermont: We have done witness testing; have jurisdiction.

3. Considering that the cost of adult-use and medicinal cannabis can be greater than \$1000/lb, does your jurisdiction require a Class I or II scale for direct sales to the consumer? How about larger commercial sales involving a grower or processor?

Connecticut: We only have medical usage now. It needs to be done on a suitable scale, like a pharmaceutical scale, Class I or II.

Maine: Same as Connecticut. It is legal for recreation but not codified yet. Scales would need to be Class I or II.

Massachusetts: No laws yet; but heard that people are selling oils in small quantities. Would want a Class I scale. For up to 300g; Class II, NTEP to two digits. For heavier weights (pounds), would want Class III, first 15 x .005, then 0.01 thereafter.

New Hampshire: No jurisdiction over cannabis; but scales would have to meet our requirements. Class I or II.

New Jersey: Cannabis is still criminalized. If/when it is legalized, Class II scale would be required for sellers, Class III for growers.

New York: Pharmaceutical scales are required to be Class II, but don't know where medicinal marijuana is dispensed..? Is it sold in pharmacies..?

Pennsylvania: Class I or II scales, Class III at higher pounds.

Rhode Island: (Absent)

Vermont: Class I or II, must be suitable for use.

Discussion Note 1: In Oregon they use Class II scales for a few grams, three digits to right of decimal, NTEP to 2 digits. For up to 10g, Class II scales to two digits, NTEP to 1 digit. Anything larger (pounds), like 454g, they use Class III, 0.005 to 0.01 division size.

Discussion Note 2: Vermont is the only State that does not have suitable weights to test Class I and Class II scales.

4. Would your jurisdiction test and certify self-service automated kiosks that weigh (with a suitable NTEP scale), grade and purchase gold, silver and precious metal jewelry?

Connecticut: No, because jewelry sellers have to register, and must give checks.

Maine: Don't know. The grading part is interesting, but we don't deal with it.

Massachusetts: All commercial devices must be tested/sealed by W&M. Would want to know how it grades, and would want an NTEP CC for the scale. What unit of measure are they using? Carats? Pounds? Grams? I see they print a slip as receipt; is weight on it?

New Hampshire: Same as Massachusetts; there is some jurisdiction within our state that requires a lot of info for this business.

New Jersey: Emphatically NO. We have already removed all of their kiosks; they do not comport with criminal/civil laws. We had them in (5) locations – all supermarkets.

New York: Many jurisdictions have local licensing laws; this would run amok of that. You can't see the weighing operation; so that's a violation. This would have to go under a lot of review.

Pennsylvania: No.

Rhode Island: (Absent)

Vermont: We never had them, but there would be a lot of issues with these; public safety, licensing as precious metals dealer, etc.

2018 SOUTHERN WEIGHTS AND MEASURES ASSOCIATION RESPONSES

1. Does your state permit an existing vehicle scale to be extended by turning it into a multi-platform system by adding an independent platform? If so, is there a limit on how many times a vehicle scale can be extended? Are there restrictions on the amount of dead space permitted between the scale and the extension?

Florida: Only if an NTEP Certificate of Conformance has been issued for the new configuration.

Louisiana: Yes we allow this. No limits. No restrictions regarding the amount of dead space at this time.

Maryland: Yes, as long as it is an approved NTEP add on. It has never been an issue of how many times a scale can be extended; most locations are only adding an additional platform. It would depend on a case by case basis and demonstrate a need for multiple platforms, where fraud would not be an issue. Another consideration is the type of indicator and display would be used. The extension would have to be installed following the manufacturer's instructions and vehicle wheelbase configuration used at the site.

North Carolina: We do not have any restrictions, so it would be permitted as long as NTEP and HB44 were observed. We do not allow split weighing, so this could be a solution to some situations. We would be concerned with approach requirements, which may limit extensions. For dead space we would look to the manufacturer's instructions for installation.

South Carolina: Would review on a case-by-case basis; only NTEP approved scales.

West Virginia: Yes, we permit the extension of vehicle scales with an independent platform. We have no limit, but we would take this on a case by case basis. There is no firm rule on dead space, but we would want it to be as minimal as possible without the platforms touching.

2. How does your state deal with the inspection and installation of railroad scales? Does your State Law have jurisdiction or is the AAR the sole decision maker?

Florida: We do have authority to inspect/test railroad scales however we inspect very few due to the difficulty of testing these devices.

Louisiana: R/R scales must be registered and state inspected/certified. Installation must be performed by a Louisiana licensed scale company and is monitored as per the manufacturer's and AAR specifications.

Maryland: We try to witness test once a year. When we are not present for the test, we request a placed in service report from a registered technician if calibration was performed. Both the State and the AAR have jurisdiction, but the test frequency is determined by the AAR.

North Carolina: We do have jurisdiction, but have not been involved in inspecting these scales.

South Carolina: We have jurisdiction, but it's done by witness testing.

West Virginia: We have jurisdiction over railroad scales. We treat them the same as all other scales, but we work with the railroads to schedule our inspections when they bring their certified rail cart.

3. Considering that the cost of adult-use and medicinal cannabis can be greater than \$1000/lb, does your jurisdiction require a Class I or II scale for direct sales to the consumer? How about larger commercial sales involving a grower or processor?

Florida: The sale of cannabis is prohibited in Florida, CBD oil only and is prepackaged, no scale used in the sale. We haven't encountered larger commercial sales.

Louisiana: Yes, as per the definition of commercial W & M equipment in H/B 44. We are requiring a Class II scale for weighing flower or bud material. Only medical cannabis is allowed in La. We have only 1 growing facility currently.

Maryland: Due to the price point (\$60 a gram) MD requires a .01 g division scale that is the value of e. The finer division size d may not be used in determining the calculation. Class III scales could be used for larger quantities only when a custody transfer occurs involving a grower or processor.

North Carolina: We do not have any specific requirements at this time, but Class II would be appropriate as that is what we have in locations such as pawn shops buying jewelry. Larger scales would probably be Class III, but we would not stop them from using a Class II scale.

South Carolina: No direct sales at this time. Currently it is not legal in SC.

West Virginia: Cannabis sales are still illegal in WV. Medical cannabis will be legal in 2019, but as the law is currently written, it can only be used in pill, patch, oil, or inhalant forms.

4. Would your jurisdiction test and certify self-service automated kiosks that weigh (with a suitable NTEP scale), grade and purchase gold, silver and precious metal jewelry?

Florida: Yes, with a valid NTEP Certificate of Conformance, however assessment and approval of one of these devices goes beyond the weighing element to other requirements. Sales in Florida must also comply with HB 130 Uniform Regulation for the Method of Sale of Commodities, Section 2.17.2. Quantity. – The unit of measure and the method of sale of precious metals.

Louisiana: Absolutely.

Maryland: It would depend if the “Maryland Division of Labor, Licensing, and Regulation” (precious metal enforcement) would allow the machines in our MD market.

North Carolina: At the moment we would do them on a complaint basis only, which is true of some other devices, due to staffing limitations. Our laws allow scale owners to install their own devices, when that is not the majority of their duties, so we may not get a placed in service report on these.

South Carolina: We would handle these devices on a case by case basis.

West Virginia: Probably. As long as it is NTEP approved and it would have to have all the proper contact information (like coin operated automated machines – car washes, parking meters, etc.)

2018 CENTRAL WEIGHTS AND MEASURES ASSOCIATION RESPONSES

1. Does your state permit an existing vehicle scale to be extended by turning it into a multi-platform system by adding an independent platform? If so, is there a limit on how many times a vehicle scale can be extended? Are there restrictions on the amount of dead space permitted between the scale and the extension?

North Dakota: We allow it. Provided it's installed correctly, etc.

South Dakota: We allow it. No limit on number of times. If the scale is for public use; no dead space(s) allowed. If the scale is for private use, you can have dead spaces.

Minnesota: We would allow it; but it must make sense. Has to be an NTEP scale; it is still treated as new scale install (must submit to checklist, normal installation steps, etc.)

Nebraska: We allow it. Must follow HB44 and scale manufacturer's specifications, though.

Kansas: We allow it; you can extend the scale and make it wider. No dead space restrictions if it makes sense. Must meet HB44 requirements, Kansas laws, and NTEP regulations.

Iowa: We will allow it, but we do not allow field manufacturing. Must also meet scale manufacturer's specifications. HB44 requirements must be met, and Iowa code must be met.

Illinois: Yes, we allow it. No limitations on dead space. Required to fill out an installation application. Must meet manufacturer's requirements. Non-NTEP scales not allowed (i.e. must be NTEP scale).

Wisconsin: Yes, we allow it. Need to get scale manufacturer's approval. Must meet new installation requirements. No restriction on number of times. No dead space restrictions.

Missouri: Yes, we allow it; no, there's no limit on number of times. Must be an NTEP scale. Must meet Missouri regulations such as the foundation requires 3ft reinforced piers under the load cells, etc.

Michigan: Does allow it but don't get that many requests. Would allow it, though.

Indiana: (Absent)

Ohio: (Absent)

2. How does your state deal with the inspection and installation of railroad scales? Does your State Law have jurisdiction or is the AAR the sole decision maker?

North Dakota: We witness test. For installation issues we defer to AAR. If it's a combo scale, it must meet the vehicle scale requirements such as appropriate approaches, foundations, etc.

South Dakota: Some rail scales aren't being used commercially. We witness test; we have no equipment to test RR scales.

Minnesota: We have jurisdiction over RR scales. We require them to submit plans, etc. We have a rail car for testing.

Nebraska: We do witness testing.

Kansas: Statues exempt RR scales from their jurisdiction, so no jurisdiction. Unless its a vehicle/RR combo scale; then vehicle scale regulations apply.

Iowa: Same as Illinois: We witness test. We will verify the test. We defer to AAR as far as construction issues.

Illinois: We have jurisdiction. No installation requirements. Any questions we defer to AAR.. We will witness test; no ability to test RR scales.

Wisconsin: AAR has jurisdiction on strictly RR scales. Combo scales, however, require permits and licenses like any other vehicle scale.

Missouri: We have jurisdiction. The installation must follow AAR guidelines.

Michigan: We have jurisdiction.

Indiana: (Absent)

Ohio: (Absent)

3. Considering that the cost of adult-use and medicinal cannabis can be greater than \$1000/lb, does your jurisdiction require a Class I or II scale for direct sales to the consumer? How about larger commercial sales involving a grower or processor?

North Dakota: We just approved medical use cannabis; we are working on developing laws and regulations. Currently we do not have juris over pharmaceutical scales; don't know how this will work out. Will they go to a pharmacy to buy cannabis or..? We are keeping tabs on it as it develops. We do have Class F weights and the capability to test the scales for when it comes.

South Dakota: Not legal yet.

Minnesota: Medicinal use is legal; only as tincture and only through very restricted access. The scales are under pharmaceutical laws and we don't have jurisdiction. If recreational cannabis usage were legalized, we would treat it the same as tea/spices; Class I or II scales, minimum sales of 20d. We have equipment but have to share the kits with the departments that verify herbs, etc.

Nebraska: Not legal in Nebraska yet, not even aware of anything to make it legal. Will be last state to legalize it, probably.

Kansas: Not currently legal. No regulations that state what type of scale. We will refer to HB44 Table 7 Suitability For Use section for when it becomes legal.

Iowa: We are just getting into it. We don't have equipment to test Class II scales; only Class F. Don't know if we have jurisdiction for pharmaceutical scales. We would require it to be at least Class II or III, LFT scales.

Illinois: We have a bureau for medicinal plants. Growers must use LFT Class II or III scales. Scales must be tested. We can test Class II.

Wisconsin: No legal cannabis. If it were legal, Class I or II scales would be required. Class III for larger commercial growers. They would have to follow HB44. Industrial hemp is being grown.

Missouri: Like Minnesota, there two bills on our governor's desk; one to expand medical cannabis use. CBD (?) only. It is sold as fl oz; the THC amount must be declared. The other bill on the governor's desk is to legalize hemp.

Michigan: No official position

Indiana: (Absent)

Ohio: (Absent, but Tom Konst mentioned that Ohio just passed medicinal usage by statute, and there is a push to put recreational usage on the ballot next year.

4. Would your jurisdiction test and certify self-service automated kiosks that weigh (with a suitable NTEP scale), grade and purchase gold, silver and precious metal jewelry?

North Dakota: We would look at it; we echo other's concerns here.

South Dakota: It would be a complaint-driven review.

Minnesota: They put them into state with a big press release, then we ultimately kicked them out. You must have a division size of 0.01g and theirs was 0.1g. Also the scale indicator must be visible to the customer; we were being generous by allowing it to have a camera inside. You must see it start at zero, then see it take tare, then see the item go into it, etc. They were unable to meet that requirement, so we made them take them out of our state. They were in grocery store chains. In theory, we are not against them if they could meet our regulations. Also, a printed receipt required. The default screen must be set to the current precious metals price, etc. To sell precious metals; the person selling must provide an ID. That was met by taking a picture of their face and ID; facial recognition checked their photo and then the ID was checked against an online database. They were also not able to meet the requirement of keeping anything sold onsite for 14 days (in case it is stolen) and upload their information to the database to check for stolen goods.

Nebraska: Same concerns as Minnesota.

Kansas: Same concerns as Minnesota. HB130 requires a conversion chart of cash for gold, the pawn shops must follow this as well. The goods must be posted to a website for review in case it is stolen.

Iowa: If we ever find one, it's going to get our attention to review it.

Illinois: (I did not record a response; not sure if he stepped out of the room and we never came back around to him or not..?)

Wisconsin: It would be complaint-driven. Same concerns as Minnesota.

Missouri: We would allow it (he said a few other things but I couldn't hear it).

Michigan: We would get involved if we saw it.

Indiana: (Absent)

Ohio: (Absent)

2018 WESTERN WEIGHTS AND MEASURES ASSOCIATION RESPONSES

1. Does your state permit an existing vehicle scale to be extended by turning it into a multi-platform system by adding an independent platform? If so, is there a limit on how many times a vehicle scale can be extended? Are there restrictions on the amount of dead space permitted between the scale and the extension?

Alaska: (Absent)

Arizona: (Absent)

California:

A. Due to the 2016 changes to Scales Code S.5.4., California would allow independent load receiving elements to be installed with an existing vehicle scale.

B. Our interpretation of HB 44 is that there could be unlimited extensions to the scale.

C. The dead space should be suitable for the vehicles being weighed and evaluated by the local jurisdiction prior to installation, as per G-UR.1.1. Suitability of Equipment., G-UR.2.1. Installation., G-UR.3.1. Method of Operation.

Colorado: (Absent)

Hawaii: (Absent)

Idaho: Yes would permit. Would allow extensions unlimited amounts as long as HB44 is met (suitability), etc. Dead spaces are generally not allowed.

Montana: Does permit extensions. No limit to how many times. Since we have very few with dead spaces, it's okay.

Nevada: (Absent)

New Mexico: We don't prohibit by regulation so we would defer to manufacturer recommendations and specifications and HB44 requirements.

Oregon: Allowed; have installations that have been connected. Unlimited numbers of extensions as long as it performs okay. Dead space: Nothing prohibits this but would be dependent upon evaluation.

Utah: Yes, allowed as long as HB44 requirements are met and all NTEP requirements are met. No limit on number of times it can be extended. Never encountered a dead space; want to make sure it would work okay.

Washington: (Absent)

Wyoming: Yes, would allow it. No restrictions on number of times. No dead space restrictions. Have installations that have been extended and have dead space (1ft to 5ft).

2. How does your state deal with the inspection and installation of railroad scales? Does your State Law have jurisdiction or is the AAR the sole decision maker?

Alaska: (Absent)

Arizona: (Absent)

California:

A. Neither the State or counties have sufficient test standards to test these devices. We rely on third party equipment and testing (the business must register as a service agency and the technician license as a service agent). California officials witness the testing of these devices.

B. California law does not exclude railway track scales from device enforcement. Association of American Railroads (AAR) does not have any decision-making authority in California to place railway track scale into service for commercial use.

Colorado: (Absent)

Hawaii: (Absent)

Idaho: Same as CA; W&M has jurisdiction but require a third party to test.

Montana: Uses two test cars owned by BNSF and one test car owned by a private company. Any RR testing is always witnessed by W&M. Only registered service providers can install scales and place in service. State has jurisdiction over AAR during conflicts. State follows AAR guidelines.

Nevada: (Absent)

New Mexico: When tests are done the company typically notifies us and we try to make it out to witness [the test]. Otherwise, the licensed [scale] company sends us a Placed In Service and Scale Report.

Oregon: Installation is up to the scale manufacturer. Oversight; if device has to be licensed, scale test required; if FGIS, they will test it. If it's a static scale, we have 80,000lb test weight that is fashioned after jacking test car, for CIM systems we use a reference scale per HB44.

Utah: Usually meet someone there, either RR folks or registered service company. Utah has jurisdiction and does the inspection.

Washington: (Absent)

Wyoming: Inspection is performed by RR or private company. Occasionally we witness test. RRs are self-regulating; they require each scale gets tested. WY would have jurisdiction if push comes to shove.

3. Considering that the cost of adult-use and medicinal cannabis can be greater than \$1000/lb, does your jurisdiction require a Class I or II scale for direct sales to the consumer? How about larger commercial sales involving a grower or processor?

Alaska: (Absent)

Arizona: (Absent)

California:

A. California recommends the use of Class II scales. Class I scales may not be suitable due to the influence of environmental conditions on the installation.

B. Either Accuracy Class II or Class III would be suitable depending on the amount of product being weighed.

Colorado: (Absent)

Hawaii: (Absent)

Idaho: Not legal.

Montana: Cannabis is new; we don't require Class 1 or Class 2 scales, however since the industry is growing, we are looking into C1 or C2 scale requirements. Near future; will require C2 for medical use. Do not have a weight kit for C2 scales yet.

Nevada: (Absent)

New Mexico: Yes. Scale must have NTEP certification and be suitable for the particular transaction.

Oregon: Don't specify C1, C2, or C3 scale. We apply "rule of suitability." If the product is 1g sell weight, the scale should resolve to 1/100g. (100:1 rule of thumb.)

Utah: Not legal. If it were; would require a C2 scale and suitability rules.

Washington: (Absent)

Wyoming: Not legal.

4. Would your jurisdiction test and certify self-service automated kiosks that weigh (with a suitable NTEP scale), grade and purchase gold, silver and precious metal jewelry?

Question #4 please review: <http://www.goldstur.com/>

Alaska: (Absent)

Arizona: (Absent)

California: There are none of these devices installed in California, to the best of our knowledge. California would require the complete system to have an NTEP CC or CA CTEP COA. The person responsible for the accuracy of the self-service automated kiosk would be subject to CA Weighmaster laws and regulations.

Colorado: (Absent)

Hawaii: (Absent)

Idaho: Would allow it if scale was suitable (i.e. C2)

Montana: Never seen one. We would certify the scale only; don't know how it operates, etc. in conjunction with other components.

New Mexico: Yes.

Nevada: (Absent)

Oregon: As far as W&M; the device would be subject to licensing (operated in a commercial manner). We wouldn't prohibit it from a W&M perspective, but how in the world would we test it? Would refer the system to each county; there are rules in place to keep devices like this involved in stolen goods from operating.

Utah: If it met all HB44 requirements, then yes we would allow it. We do recall seeing them come to an NCWM conference as an exhibitor; we talked with them. Our answer today would be "no" because they could not verify zero before weighing started, etc., and they could not meet requirements on system we saw.

Washington: (Absent)

Wyoming: Yes if it were NTEPed; do not have weighmaster laws so no problem there.