

**LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
LEGISLATIVE OVERSIGHT REPORT**

**RE: Weights and Measures
Registration (LAC 7:XXXV.127)
Meat Labeling (LAC 7:XXXV.135)
Classification and Method of Sale of Petroleum Products (LAC 7:XXXV.321)**

This report is submitted electronically to the President of the Senate, Speaker of the House of Representatives, and the Senate and House Committees on Agriculture, Forestry, Aquaculture and Rural Development, in accordance with R.S. 49:968 regarding the intent by the Department of Agriculture and Forestry, Office of Weights and Measures, to take the proposed action with regard to the above cited rules and regulations.

I. THE PROPOSED ACTION

The proposed change to LAC 7:XXXV.127.A clarifies that the owner of a weighing and measuring device is responsible for registering the device with LDAF. LAC 7:XXXV.127.A. As it is written, the section does not specify who shall register the commercial weighing and measuring device. The proposed change to LAC 7:XXXV.127.D eliminates the regulation language that scanning devices be registered by make, model, and serial number. The repeal of LAC 7:XXXV.135 is necessary because the existing rule is in conflict with 7 CFR Part 60 & 65 (USDA Country of Origin Law). Statements of origin are enforced by LDAF's Meat Inspection Division and are no longer enforced by Weights and Measures. The proposed changes to LAC 7:XXXV.321, include the deletion of the words Anti-Knock Index (AKI), which is no longer used and replaces it with "automotive fuel rating". Automotive Fuel Rating is the current terminology used in 16 CRF 306.5 and 306.6. It is also proposed to add a section G to LAC 7:XXXV,321. Section G will clarify signage rules for retailers using street signs for advertising fuel prices. The proposed rule states that the prices advertised must be equal to the highest price for the offered product unless it is clearly specified that conditions apply for a lower price. This eliminates consumer confusion over fuel prices.

II. THE REASONS FOR THE PROPOSED ACTION

The proposed action is being taken in order to provide clarification of LAC 7:XXXV.127 as it relates to who shall register commercial weighing and measuring devices; to resolve conflicts between the language of the existing LAC 7:XXXV.135 and federal regulations, and to clarify signage rules for fuel retailers who use street signage.

III. STATUTORY AUTHORITY

The proposed action is authorized by R.S. 3:4603, 4607, 4608, 4622, 4671, 4672, 4680, and 4681.

IV. ATTACHMENTS

A. The proposed action coded with any new rule or language underscored and with language to be deleted from an existing rule in struck-through type.

B. A copy of the fiscal and economic impact statements approved by the legislative fiscal office.

C. A copy of the Notice of Intent filed with the State Register.

/s Amy L. McInnis
Amy L. McInnis
General Counsel, LDAF

9/10/2020
Date of signature