

- SUBJECT:** Exempting certain commercial scales from registration and inspection
- COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment
- VOTE:** 6 ayes — Kuempel, Guillen, Frullo, Hernandez, Paddie, S. Thompson
- 0 nays
- 2 absent — Goldman, Herrero
- 1 present not voting — Geren
- WITNESSES:** For — Jim Hallers, Texas Restaurant Association; Skeeter Miller;
(*Registered, but did not testify:* Matt Burgin, Texas Food and Fuel Association; Jim Sheer, Texas Retailers Association)
- Against — None
- On — (*Registered, but did not testify:* Stuart Strnad, Texas Department of Agriculture; Sacha Jacobson)
- BACKGROUND:** Agriculture Code, ch. 13 governs the registration and inspection of scales used for commercial transactions. Sec. 13.1011 requires the owner or operator of a scale to register it with the Texas Department of Agriculture (TDA) prior to use and to renew the registration annually. The department may assess late fees against operators who fail to register or renew a registration. Once registered, the original certificate of registration must be prominently displayed and a consumer information sticker placed on or near the scale in plain sight of consumers, according to TDA rules.
- Sec. 13.101 makes the owner or operator of a registered scale responsible for ensuring it is inspected by TDA at least once every four years. Under sec. 13.1001, TDA may inspect a scale if it believes the scale is unregistered and being used for commercial transactions. Sec. 13.1151 allows TDA to charge a fee to recover the costs of registration and

inspection.

DIGEST: HB 2029 would exempt a commercial weighing or measuring device used exclusively to weigh food sold for immediate consumption from inspection and registration requirements under Agriculture Code, ch. 13.

The bill would take effect September 1, 2017.

SUPPORTERS SAY: HB 2029 would reduce excessive regulation negatively impacting Texas restaurants by exempting from inspection and registration requirements scales used to weigh food sold for immediate consumption, such as those used in barbecue restaurants or at salad bars. The restaurant business is already expensive, and these regulations significantly increase costs due to registration fees and consumer information requirements.

Many restaurants sell food by weight, including frozen yogurt and sandwich shops. Buying specific scales that then must be certified, inspected, and registered annually by the Texas Department of Agriculture (TDA) adds needless expenses. Many restaurants selling food for immediate consumption were not aware of the requirements for scales until recently, when the regulations began to be more strictly enforced, and coming into compliance may be burdensome for some. For example, meeting the requirement that consumer information stickers be placed on or near the scale in plain view of the consumer may cause restaurants to incur substantial costs to redesign pay stations or service areas because the scales often are behind the counter or in the kitchen. This bill appropriately would exempt restaurants selling food by weight for immediate consumption from these regulations.

Local health inspectors check the scales once or twice a year, so additional inspection by TDA is unnecessary. Texas restaurants are not short-changing customers who buy food by weight, and any restaurant that did so would suffer economic consequences from lost business and bad reviews.

OPPONENTS
SAY:

The registration and inspection program was put into place to protect the Texas consumer. Registration with and inspection by TDA ensures that the scales are not skewed in the restaurant's favor.