Florida Department of Agriculture and Consumer Services
Division of Consumer Services

WEIGHTS AND MEASURES CONSIDERATIONS FOR CANNABIS, HEMP AND SIMILAR PRODUCTS

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1. What is required from Weights and Measures for the Retail Sale of Cannabis/Hemp and Hemp Extracts in the State of Florida?

The Florida Department of Agriculture and Consumer Services (FDACS) is responsible for monitoring the accuracy of scales, net content labeling, and price scanners during the retail sale of these and other products to promote a fair and equitable marketplace and to protect consumers.

2. Do I need a permit to operate a weighing or measuring device for the retail sale of Cannabis/Hemp and Hemp extracts?

Yes. Sections 531.60–531.66, Florida Statutes, require users of weighing and measuring devices to have a permit issued by FDACS prior to using the devices in commerce.

3. Where can I find information about obtaining a Weighing and Measuring Device Permit?

Weighing and Measuring Device Permit Applications are available at https://forms.fdacs.gov/03560.pdf.To apply you must fill out the application completely and mail the application with a check or money order payable to FDACS. Call (850) 921-1590 if you need assistance filling out a permit application or obtaining a paper copy of the permit application.

4. What type of scale do I need to purchase for the retail sale of Cannabis/Hemp and Hemp Extracts sold by weight?

1. A Class I or Class II scale.
2. A "legal-for-trade" scale which meets the requirements of NIST Handbook 44 and holds a valid certificate of conformance through the National Type Evaluation Program (NTEP).

NIST Handbook 44 is available at: https://www.nist.gov/system/files/documents/2016/11/10/hb44-2017-web_final.pdf
Additional information on NTEP is available at: https://www.ncwm.com/ntep-about

When Selecting a suitable Class I or II scale, consider the following:

- Range of weighing (minimum and maximum capacities)
- Division (increment) size
- Precision (i.e., scales that comply with Accuracy Class I & II parameters)

Categories for Cannabis/Hemp and Hemp Extracts may include one or more of the following:

- Light Industrial (up to 5,000 lb capacity)
- Retail/Point of Sale/Electronic Cash Register
- Precision/Laboratory Balances
- Other Weighing Devices

Click on the link below to view a List of NTEP Class I & II Scales to purchase (as of February 2019):
https://www.cdfa.ca.gov/dms/pdfs/List_of_Class_I_and_II_scales_by_Company.pdf

For Guidance in Scale Selection, Weights & Measures, or Permitting:
1-800-HELP-FLA (435-7352)
1-800-FL-AYUDA (352-9832) en Español

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5. Can I use my new scale for the retail sale of Cannabis/Hemp and Hemp Extracts right out of the package?

Yes – if it just needs to be plugged in to operate. However, it is recommended to have your new scale set up and tested by a Registered Service Agent and to have the agent send a "Placed in Service Report" to FDACS. It is our goal to inspect all newly placed-in-service devices within 30 days of notification, but an owner may begin legal use prior to inspection by FDACS.

In either case, a "Placed in Service Report" must be sent to us. The form is available online at: https://forms.fdacs.gov/03017.pdf

See the most current list of Florida Registered Scale Service Agents by requesting the list via email at Standards-Field@FDACS.gov or call us at (850) 921-1545.

6. Is there a fee for testing new scales and placing them in service?

There is no charge for a state inspection of a device. A registered scale company may charge a fee for this service or include the service when you purchase a scale from the company. Please note, however, that there is a charge for permitting scales and other measuring devices used in commerce in Florida. All weighing and measuring devices must be permitted prior to use. If you have any permitting questions or wish to begin the permitting process, please contact our Weights and Measures Permitting Section at (850) 921-1590.

7. How long is a scale approval valid when approved by FDACS?

There is no expiration on the length of time for which an approval seal is good. An inspector in your area will inspect and test the device periodically to determine its accuracy and suitability for the continued use of the scale.

8. If I have a problem with my scale, whom should I contact?

You should contact a scale repair company if you suspect there is a problem with your device. FDACS does not repair scales; however, we can provide you with the names of registered scale repair agencies in your area. See the most current list of Florida Registered Scale Service Agents by requesting the list via email at Standards-Field@FDACS.gov or call us at 850-921-1545.

9. Where can I find information regarding the required package labeling information for the retail sale of Cannabis/Hemp and Hemp Extracts?

Please refer to Florida Statutes, Section 531.47, and Florida Administrative Code, Chapter 5J-22, for the requirements for packaging and labeling.

Minimum labeling requirements for packaged commodities:

1. The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container.
2. The net quantity of contents in terms of weight, measure, or count.
3. The name and place of business of the manufacturer, packer, or distributor, in the case of any package kept or offered or exposed for sale or sold in any place other than on the premises where packed.

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10. My business produces Cannabis/Hemp and Hemp Extracts sold in package form. What are the requirements for net contents compliance?

FDACS has adopted: 2017 NIST Handbook 133 Checking The Net Contents of Packaged Goods - https://www.nist.gov/pml/weights-and-measures/handbook-133-2017-edition

Deduct "TARE" (packaging, wrappings, containers, labels etc.) to determine "NET" weight (NET = GROSS –TARE).

ADDITIONAL RESOURCES

Florida Statutes
Chapter: 531

Florida Administrative Code
Chapter: 5J-22

531.45 Method of sale. — Except as otherwise provided by rule of the department, commodities in liquid form shall be sold by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, by area or volume measure, or by count, so long as the method of sale provides accurate quantity information.

531.46 Bulk sale. — Bulk sales in excess of $20 shall be accompanied by a delivery ticket containing the following information:

1. The name and address of the vendor and purchaser;
2. The date delivered;
3. The net quantity delivered and the net quantity upon which the price is based, if this differs from the delivered quantity;
4. The identity of commodity in the most descriptive terms commercially practicable including any quality representation made in connection with the sale; and
5. The count of individually wrapped packages, if there are more than one of such packages.

531.48 Declarations of unit price on random packages. — In addition to the declarations required by s. 531.47, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

531.49 Advertising packages for sale. — Whenever a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or rule to appear on the package.

Questions about Hemp?

For additional information, visit our website:
FDACS.gov/Cannabis/Hemp-CBD-in-Florida

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