

HOUSE BILL NO. 4679

June 25, 2025, Introduced by Reps. Liberati, Aragona, Kelly and Rigas and referred to Committee on Regulatory Reform.

A bill to amend 1964 PA 283, entitled
"Weights and measures act,"
by amending sections 10 and 28c (MCL 290.610 and 290.628c), section
28c as amended by 2022 PA 273.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. ~~(1) When not~~ **Except as** otherwise provided by law, the
2 director may inspect ~~and test to ascertain if they are correct,~~
3 all weights and measures kept, offered, or exposed for sale **are**
4 **correct.** ~~He~~ **The director** shall inspect ~~and test to ascertain if~~
5 ~~they are correct,~~ all weights and measures commercially used ~~in (1)~~

1 ~~determining the~~ **are correct by determining 1 or both of the**
 2 **following:**

3 (a) **The** weight, measurement, or count of commodities or things
 4 sold, ~~or~~ offered, or exposed for sale on the basis of weight or of
 5 measure or count. ~~, (2) computing the~~

6 (b) **The** basic charge or payment for services rendered on the
 7 basis of weight or of measure or count. ~~With respect to~~

8 (2) **For** devices designed to be used commercially only once and
 9 ~~to be then discarded, and with respect to~~ **for** devices uniformly
 10 mass-produced ~~as~~ by means of a mold or die and not susceptible of
 11 individual adjustment, the inspection and testing of each
 12 individual device ~~shall~~ **is** not ~~be~~ required and the inspecting and
 13 testing requirements of this section ~~shall be~~ **are** satisfied when
 14 inspections and tests are made on representative samples of ~~such~~
 15 **the** devices. ~~, and the~~ **The** lots ~~, of which such samples that~~ are
 16 representative ~~, shall be held to be~~ **samples are considered** correct
 17 or incorrect ~~upon~~ **on** the basis of the results of the inspection and
 18 tests on ~~such~~ **the** samples.

19 (3) **For a qualified dispenser, the inspection and testing of**
 20 **each individual device is not required and the inspecting and**
 21 **testing requirements of this section are satisfied if the qualified**
 22 **dispenser complies with the requirements of section 28g and**
 23 **applicable regulations of the United States Department of**
 24 **Transportation. As used in this subsection, "qualified dispenser"**
 25 **means that term as defined in section 28g.**

26 Sec. 28c. (1) Except as otherwise provided ~~for in~~ **under** this
 27 subsection, the method of sale of a commodity sold in this state
 28 must conform to the "uniform regulation for the method of sale of
 29 commodities" published in the 2023 edition of the NIST handbook

1 130, which is incorporated by reference, except as otherwise
2 provided in this section or where modified by rule. Section 2.21 of
3 the "uniform regulation for the method of sale of commodities"
4 published in the 2023 edition of the NIST handbook 130 is not
5 adopted. The buying and selling of liquefied petroleum gas may also
6 be conducted by a flat rate price, if the price rate is clearly and
7 conspicuously posted for potential customer viewing. This
8 subsection applies only to tanks of 100 pounds or less.

9 (2) Except as otherwise provided in this subsection, the
10 packaging and labeling requirements for commodities sold in this
11 state must conform to the "uniform packaging and labeling
12 regulation" published in the 2023 edition of the NIST handbook 130,
13 which is incorporated by reference, except for section 13 of that
14 publication or except as otherwise modified by rule. A cottage food
15 operation does not have to include the address of the cottage food
16 operation on a label if ~~both of the following conditions are met:~~

17 ~~(a) The~~ **the** cottage food product is produced in accordance
18 with section 4102 of the food law, 2000 PA 92, MCL 289.4102.

19 ~~(b) The cottage food operation is registered with and is~~
20 ~~issued a registration number by the MSU Product Center in~~
21 ~~accordance with section 4102(8) of the food law, 2000 PA 92, MCL~~
22 ~~289.4102.~~

23 (3) ~~A~~ **Except as otherwise provided in section 28g, a**
24 certificate of conformance for a type must comply with the
25 requirements of NCWM publication 14, "national type evaluation
26 program technical policy, checklists and test procedures", and the
27 2023 edition of the NIST handbook 44, "specifications, tolerances,
28 and other technical requirements for weighing and measuring
29 devices", which is incorporated by reference.

1 (4) ~~The~~ **Except as otherwise provided in section 28g, the**
2 determination for a uniform basis conformance for a type must
3 comply with NCWM publication 14, "national type evaluation program
4 technical policy, checklists and test procedures", and the 2023
5 edition of the NIST handbook 44, "specifications, tolerances, and
6 other technical requirements for weighing and measuring devices",
7 which is incorporated by reference.

8 (5) ~~The~~ **Except as otherwise provided in section 28g, the**
9 specifications, tolerances, and regulations for commercial weights
10 and measures must be in compliance with the standards contained in
11 the 2023 edition of the NIST handbook 44, which is incorporated by
12 reference.

13 (6) Registration for servicepersons and service agencies and
14 competency tests must be in compliance with the standards contained
15 in the 2023 edition of the NIST handbook 130, "uniform regulation
16 for the voluntary registration of servicepersons and service
17 agencies for commercial weighing and measuring devices", which is
18 incorporated by reference, and the 2023 edition of the NIST
19 handbook 44, which is incorporated by reference.

20 (7) For purposes of implementing the 2023 edition of the NIST
21 handbook 44 and the 2023 edition of the NIST handbook 130, "ton"
22 means a weight of 2,000 pounds avoirdupois and "gross ton" means a
23 weight of 2,240 pounds avoirdupois.

24 (8) Notwithstanding any other provision of this act, a motor
25 vehicle repair facility registered under the motor vehicle service
26 and repair act, 1974 PA 300, MCL 257.1301 to 257.1340, is subject
27 to the oversight of the secretary of state under that act. If the
28 secretary of state believes that a motor vehicle repair facility
29 may have violated section 2.33, "Oil", of the "uniform regulation

1 for the method of sale of commodities", of the 2023 edition of the
2 NIST handbook 130, which is incorporated by reference, the
3 secretary of state may refer the matter to the department. A motor
4 vehicle repair facility is not subject to oversight by the
5 department under this act for a violation of section 2.33, "Oil",
6 of the "uniform regulation for the method of sale of commodities",
7 of the 2023 edition of the NIST handbook 130 unless the matter has
8 been referred to the department by the secretary of state as
9 provided for in this subsection.

10 Enacting section 1. This amendatory act does not take effect
11 unless House Bill No. 4678 (request no. H03381'25) of the 103rd
12 Legislature is enacted into law.