

Kansas Department of Agriculture
Division of Weights and Measures
785-564-6700
Farmers Market Workshop Information

The following information is to assist you in understanding how to comply with Kansas Department of Agriculture laws and regulations.

All commercial scales must be NTEP (National Type Evaluation Program) approved and must be **certified every 365 days** by a licensed service technician. Our office can provide you with a list of licensed service companies.

Scales that contain a level bubble built into the device must be maintained in a level condition at all times in order for the scale to function properly. Check the level prior to any sales on your scale. If you have any questions, feel free to contact the Weights and Measures office.

Test reports and Device Installation reports (DI-701) forms must be kept with the scale at the premises and be available for inspection for a period of five years.

Scales must only be used in the manner they were intended to be used by the manufacturer. The scale may not be altered by anyone.

KSA 83-201. Definitions. As used in article 2 of chapter 83 of the Kansas Statutes Annotated and K.S.A. 83-502, and amendments thereto:

- a) "Weights and measures" means all commercial weights or measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices and any point-of-sale system.
- b) "Weight" as used in connection with any commodity means net weight, except if the label declares that the product is sold by drained weight, the term means net drained weight.

KSA 83-219. Unlawful acts. (a) It shall be unlawful for any person:

(2) to use or possess a weight, measure or weighing or measuring device that is used for or intended to be used for commercial purposes which does not meet the tolerance and specifications required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or that does not conform to the standard authorized by the secretary for determining the quantity of any commodity or article of merchandise, for the purpose of:

- (A) Buying or selling any commodity or article of merchandise;
- (B) computation of any charge for services rendered on the basis of weight or measure;
- (C) determining weight or measure, either when a charge is made for such determination or where no charge is made for use of such weight, measure, weighing or measuring device

KSA 83-304 (a) requires: The owner or operator of a weighing or measuring device which is used commercially shall have such weighing and measuring device tested and inspected at least annually for accuracy. Failure to comply with this requirement in the future may subject you to the assessment of civil penalties.

KSA 83-219 (a) It shall be unlawful for any person:

- (4) to sell, offer or expose for sale, less than the represented quantity of any commodity, thing or service.
- (7) to use in retail trade, except in preparation of packages of merchandise put up in advance of sale, a weighing or measuring device that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from a reasonable customer position.
- (26) to prohibit a buyer or seller from observing the weighing or measuring operation of any transaction to which such buyer or seller is a party.