

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2435-01  
Bill No.: SB 498  
Subject: Food; Merchandising Practices  
Type: Original  
Date: March 28, 2019

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Bill Summary: This proposal provides that food containers shall not be deemed to be misleading, misbranded, or unfairly marketed if the container is filled to less than its capacity if certain criteria are present.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Agriculture (AGR), Department of Health and Senior Services** and **Attorney General's Office** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

**AGR** notes this bill conflicts with current state and federal law and regulations (Chapter 413, RSMo, 2CSR 90-22.140, & National Institute of Standards and Technology (NIST) Handbook 130, "Uniform Packaging and Labeling Regulation"). Forty-nine states and three U.S. territories have adopted NIST Handbook 130 model uniform regulations. The importance of uniformity between state and federal regulations cannot be over emphasized. Uniformity is essential for inter-state commerce, which could be compromised under this bill and could result in the stop sale of Missouri made products that don't comply with federal regulations.

Section 196.076.(7), RSMo. is less restrictive than current Missouri and federal standards and would make price comparisons between products more difficult for consumers, since the placement of the net content label would no longer be standardized under this bill. Price comparisons would also be more difficult for consumers under this bill's proposal to allow the sale of liquids in non-traditional units of measure such as pounds instead of volume (e.g. consumers may need to compare the price of a quart of milk to a container with 2 pounds of milk).

The Weights, Measures and Consumer Protection Division maintains surveillance of commercial weighing and measuring devices and promotes uniformity in weights and measures laws, regulations, and standards to achieve equity between buyers and sellers in the marketplace and thereby enhance consumer confidence, enable Missouri businesses to compete fairly at home and abroad, and strengthen the state and U.S. economies. The division's programs are operated in accordance with national and international standards. The division works in conjunction with the National Institute of Standards and Technology and is a member of the National Conference on Weights and Measures, ASTM International, and the National Fire Protection Association.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture  
Department of Health and Senior Services  
Attorney General's Office



Kyle Rieman  
Director  
March 28, 2019

Ross Strobe  
Assistant Director  
March 28, 2019