

March 6, 2019 Board Update

Division of Consumer Equitability

Revisions to Nevada Administrative Code Chapter 581 under LCB File R172-18 were adopted by the Department Interim Director on October 19, 2018 and approved by the Legislative Commission and filed with the Office of the Secretary of State on December 19, 2018. The new regulations will become effective July 1, 2019, including increases to the fees for testing and licensing of weighing and measuring devices.

On January 23, 2019 the division, in coordination with the Nevada Department of Taxation and the Nevada Dispensary Association, hosted a 90-minute workshop designed to educate representatives of the marijuana industry about the regulations pertaining to the use and licensing of weighing and measuring devices, the services available through the division's metrology program, and information on the state's Registered Service Agent program. The workshop was held at NDA's Sparks headquarters and was teleconferenced to the NDA office in Las Vegas. A total of 16 individuals from the marijuana industry attended the workshop and feedback on the workshop was positive. The division is exploring opportunities to provide this workshop in a webinar format in the future.

As of February 19, 2019, fiscal year-to-date consumer complaints submitted to the division totaled 82. Of those complaints, 78 (95%) were related to retail motor fuel dispenser functionality (including payment card reader functionality), fuel quality or fuel pricing at retail fuel stations. The remaining four complaints were related to scale accuracy/failure to deduct tare weight at point of sale at a retail frozen yogurt establishment, scale accuracy at a retail tobacco establishment, package weight accuracy at a retail marijuana establishment, and scale accuracy at a retail supermarket.

Metrology

On December 17, 2018, the Nevada Metrology Laboratory received its *2019 Certificate of Metrological Traceability* from the US Department of Commerce National Institute of Standards and Technology Office of Weights and measures (NIST-OWM). The 2019 certificate expanded the scope for the program's Las Vegas laboratory facility to include calibration of 500- and 1,000-pound standards. This expanded scope will allow the division to provide a broader range of services to the private sector in southern Nevada. Additionally, the expanded scope will eliminate the need to transport the division's Las Vegas-based 500 and 1,000-pound field standards to the Sparks facility for calibration, reducing the total time spent and cost of travel required to properly maintain those assets.

As of February 19, 2019, metrology program personnel had calibrated 1,028 devices and collected revenues of \$26,153 for FY19. In-house calibration services performed on division-owned assets represents cost-savings of \$23,550 for FY19 to-date. The program is on target to meet projected device calibration totals for FY19.

Petroleum Technology

In early February 2019 the division received credible reports that gasoline with an octane rating of 85 was being offered for sale to retail motor fuel stations in Clark County. NAC 590.061

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prohibits the sale of gasoline or blend of gasoline with an octane rating less than 87. In response to these reports, the division sent correspondence to all retail motor fuel stations in Clark and Nye counties reminding them that it is unlawful to sell any motor vehicle fuel at retail in Nevada unless such fuel conforms with regulations adopted by the Board of Agriculture (NRS 590.070, Subsection 3. (a)). The division also coordinated with the DMV's Motor Carrier Division to send an email notice to all licensed fuel distributors through Motor Carrier's list server reminding the distributors of the prohibition against delivering fuel for sale at retail that does not conform with the regulations adopted by the Board of Agriculture. Following delivery of these notices, the division has not received any new reports of non-conforming fuel being offered for sale in the state.

The program's senior petroleum chemist, Dr. William Striejewski, who serves as Chair for the National Conference on Weights and Measures Fuels and Lubricants Subcommittee (NCWM-FALS) and as a member of the ASTM Petroleum Products, Liquid Fuels, and Lubricants Line Schedule Committee (ASTM-D02) attended meetings of these committees in November 2018, December 2018, and January 2019. Dr. Striejewski's leadership and participation in these forums ensures that Nevada's interests on the regulations, specifications and testing procedures for petroleum fuel products, liquid fuels and lubricants are well represented at the national level.

As of February 4, 2019, Petroleum Technology program personnel had tested 1,559 fuel samples this fiscal year to-date. The program is on target to meet sample testing projections for FY19.

Weights & Measures

As of January 28, 2019, a total of 18,874 weighing and measuring devices have been inspected this fiscal year to-date, representing completion of 42% of our statewide device inventory. Growth in the inventory of licensed commercial weighing and measuring devices continues, with most of that growth being scale devices used by the marijuana industry in southern Nevada and the addition of new retail motor vehicle fuel stations in both the northern and southern parts of the state. A total of 2,720 new commercial weighing and measuring devices have been added to the division's inventory since July 1, 2019.

As of February 19, 2019, annual device license and testing fee collections for FY19 totaled \$854,903, exceeding the total amount collected for device license and testing fees in FY18. The division is currently pursuing collection of past-due FY19 annual licensing fees and will initiate stop-use orders in the coming weeks for those devices with remaining unpaid annual license fees.

The division has 13 authorized Weights & Measures Inspector positions, 11 of which are currently filled.