

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

**Revised**

House Bill 1026

(Delegate Stull, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

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**Agriculture - Weights and Measures - Sale of Frozen Desserts**

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This bill allows specified frozen desserts that are hand dipped to be sold by weight, fluid volume, or the serving.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** Minimal. The number of small businesses who will choose to sell hand dipped frozen desserts by weight is not anticipated to be significant.

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**Analysis**

**Current Law:** Specified frozen desserts must be sold by fluid volume. Commodities sold for immediate consumption on the premises where sold are exempt from specified weights and measures.

**Background:** The Weights and Measures Section of the Maryland Department of Agriculture (MDA) inspects and tests all weighing and measuring devices used for the buying and selling of commodities or the exchange of goods and services. The inspections are designed to prevent fraud in quantity and measurement determinations during such transactions as purchasing food, beverages, and gasoline, and in response to consumer complaints. Routine monitoring of commercial transactions occurs to assure that proper measurement terms and methods of sale for commodities are employed.

According to MDA, Delaware, Pennsylvania, Virginia, and West Virginia allow hand dipped ice cream, one of the products covered by this bill, to be sold by weight.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture, Moxley's Ice Cream Parlor, Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2002  
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Analysis by: Lesley Frymier

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510