STAND. COM. REP. NO. 994

Honolulu, Hawaii March 18, 2011

RE: S.B. No. 101 S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred S.B. No. 101, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH, "

begs leave to report as follows:

The purpose of this bill is to preserve the availability of poi prepared through customary and traditional Hawaiian cultural food-preparation practices by exempting an individual producer of hand-pounded poi from state food-safety laws when selling directly to consumers as long as the producer abides by specified conditions.

The Office of Hawaiian Affairs, Hawaii Fathers-4-Justice, Na Wa'a Hanakahi Education and Culture Organization, Sustainable UH, and numerous concerned individuals supported this bill. The Department of Health (DOH) offered comments.

After careful consideration, your Committee has amended this bill by:

- (1) Establishing the DOH exemptions for hand-pounded poi in Chapter 321, Hawaii Revised Statutes;
- (2) Authorizing DOH to issue a cease-and-desist notice to terminate any distribution or sale of a hand-pounded poi product if it receives complaints relating to concerns

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about public health, particularly complaints about foodborne illnesses;

- Modifying the consumer-advisory statement on handpounded poi products;
- (4) Removing the following labeling requirements for handpounded poi products:
 - (A) The net weight of the hand-pounded poi; and
 - (B) The date on which the hand-pounded poi was produced;
- (5) Allowing poi kept at ambient temperatures to be served or offered for sale in a ready-to-eat form upon the request or with the knowledge of the consumer;
- (6) No longer requiring producers of hand-pounded poi to abide by community best practices; and
- (7) Adding definitions for, among other things, "handpounded poi", "papa ku'i 'ai" (poi-pounding board), and "pôhaku ku'i 'ai" (poi-pounding stone).

Your Committee notes that DOH suggested that the goal of this bill might be better addressed by amending the Hawaii Administrative Rules rather than statutory law.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 101, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 101, S.D. 1, H.D. 1, and be referred to the Committee on Health.

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Respectfully submitted on behalf of the members of the Committee on Hawaiian Affairs,

FAYE HAMOHANO, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature



Record of Votes of the Committee on Hawaiian Affairs

Bill/Resolution No.:	Committee Referral:		Date:	
SB 101 SDI	HAW, HLT, CPC		3/2/11	
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: D Pass, unamended (as is) Pass, with amendments (HD) D Hold				
Pass short form bill with HD to recommit for future public hearing (recommit)				
HAW Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)				
2. LEE, Chris (VC)				
		P		
3. BELATTI, Della Au				\checkmark
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4. JORDAN, Jo				
5. MIZUNO, John M.				×
(MODIFIANDA D				
6. MORIKAWA, Dee				:
7 WOOLEY Lossing				:
7. WOOLEY, Jessica				
8. YAMANE, Ryan I.				×
o. Initial (1), Kyan L.				
9. PINE, Kymberly Marcos				
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10. WARD, Gene				
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TOTAL (10)	7	D	0	3
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				