STAND. COM. REP. NO. 147.9

Honolulu, Hawaii April 6, 2011

RE: S.B. No. 101 S.D. 1 H.D. 2

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 101, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this bill is to allow the production of handpounded poi without certification or permitting by the Department of Health (DOH) under certain circumstances and the sale of the product in ready-to-eat form on request or with the knowledge of the consumer.

The Office of Hawaiian Affairs; the Sierra Club, Hawai'i Chapter; Kamananui, LLC; Meleanas Farm; Hawai'i SEED; Kipahulu 'Ohana; Legalize Pa'i 'Ai 'Ohana; Hawai'i Wildlife Fund; Aha Hi o Hawai'i William S. Richardson Hawaiian Law Students Organization; Ama; Ohana Domingo; and numerous concerned individuals supported this measure. The Department of Health supported the intent of this bill. Several concerned individuals opposed this measure. Several concerned individuals offered comments.

After further consideration and concluding that DOH is better equipped to provide the circumstances under which this product should be prepared or sold, your Committee amended this bill by retaining the requirements that the producer of hand-pounded poi must:



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- (1) Sell the product directly to consumers; and
- (2) Prepare it adjacent to hand-washing facilities.

However, your Committee removed:

- (1) The requirements that the producer of hand-pounded poi:
 - (A) Must attend a food-safety class; and
 - (B) Label each batch of hand-pounded poi with certain information;
- (2) The provision allowing naturally fermenting poi kept at an ambient temperature to be served or offered for sale in a ready-to-eat form upon the request or with the knowledge of the consumer; and
- (3) The provision authorizing DOH to issue a cease-anddesist notice to terminate the distribution or sale of the hand-pounded poi product in question if DOH receives complaints relating to concerns about public health, particularly complaints about food-borne illnesses.

In addition, your Committee mandated the Department to adopt rules on the sale and production of hand-pounded poi.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 101, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 101, S.D. 1, H.D. 2.

> Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ROBERT N. HERKES, Chair



State of Hawaii



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB O SDI HDI Committee	e Referral: HAW_CPC	Date:	3/28/	2011
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)			¥	
2. YAMANE, Ryan I. (VC)				
3. BROWER, Tom				
4. CABANILLA, Rida T.R.				
5. CARROLL, Mele				
6. ITO, Ken				
7. KEITH-AGARAN, Gilbert S.C.				
8. LUKE, Sylvia				
9. McKELVEY, Angus L.K.			·	
-10. MORITA, Hermina M.				
11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.	- / ,			
13. TSUJI, Clift				
14. CHING, Corinne W.L.				
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia				· · · ·
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TOTAL (16) (5)	12			3
The recommendation is: Adopted Not Adopted If joint referral,				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				