

STAND. COM. REP. NO. **2379**

Honolulu, Hawaii

FEB 14 2014

RE: S.B. No. 2859

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Health and Judiciary and Labor, to which
was referred S.B. No. 2859 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PENALTIES,"

beg leave to report as follows:

The purpose and intent of this measure is to increase
administrative penalties for violations of chapter 321, Hawaii
Revised Statutes, and rules adopted pursuant to this chapter.

Your Committees received testimony in support of this measure
from the Department of Health and one individual. Your Committees
received testimony in opposition to this measure from The Chamber
of Commerce of Hawaii, Hawaii Food Industry Association, and
Hawaii Restaurant Association.

Your Committees find that the administrative penalty for
violations of chapter 321, Hawaii Revised Statutes, has not been
increased in nearly thirty years. Consequently, this penalty does
not have the necessary impact to force violators of departmental
rules to rapidly correct major violations.

Your Committees further find that the maximum penalty of
\$10,000 per day per violation, proposed by this measure, provides
the Department of Health with the ability to better scale the
severity of the violation to the final penalty amount. Violations
of lesser severity will be assessed lower penalties, while
egregious violations will be assessed the maximum penalty. This
measure also provides parity with the maximum penalties available
under chapter 328, Hawaii Revised Statutes, part of which provides



regulatory authority over food manufacturers, distributors, and retailers.

As affirmed by the records of votes of the members of your Committees on Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2859 and recommend that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Health and
Judiciary and Labor,



CLAYTON HEE, Chair



JOSH GREEN, Chair



**Record of Votes
Committee on Health
HTH**

*Only one measure per Record of Votes

The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2859</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HTH/JDL, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">02-10-14</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)				✓
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	✓			
SOLOMON, Malama				✓
SLOM, Sam			✓	
TOTAL	4		1	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 20px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

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