

JAN 19 2018

A BILL FOR AN ACT

RELATING TO FOOD SAFETY LABELING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The legislature finds the following:
- 2 (1) Although Hawai'i consumers pay the highest price for
3 certain foods in comparison to consumers in other
4 states, over 237,000 annual tons of food waste enters
5 waste streams destined for incineration and
6 landfilling. This amounts to more than twenty-six per
7 cent of the available food supply in Hawai'i.
- 8 (2) In an October 7, 2015, study by the University of
9 Hawai'i - college of tropical agriculture and human
10 resources, economists found that nearly sixty-five per
11 cent of this local food waste occurs at the consumer
12 level of the food supply chain. The same study also
13 found that discarded food is a drain on our economy,
14 costing consumers and the food industry \$1,000,000,000
15 in Hawai'i annually - about 1.5 per cent of the State's
16 total gross domestic product. That comes to almost
17 \$700 in wasted food per person, per year.



1 (3) Four per cent of the total energy budget, about twelve
2 per cent of the land, and twenty-three per cent of all
3 freshwater consumed in the United States is used to
4 grow food that goes uneaten.

5 (4) Reducing food waste by just fifteen per cent would
6 save the equivalent of enough food to feed more than
7 twenty-five million Americans every year. As reported
8 in *Hunger in America 2010*, 183,500 different people in
9 Hawaii, over fourteen per cent of our population, are
10 food insecure and receiving emergency food assistance
11 through the Hawaii Foodbank network. This includes
12 over 55,000 children and over 11,000 seniors.

13 (5) Food waste entering landfills is responsible for the
14 generation of methane gas, a greenhouse gas eighty-
15 four times more potent than carbon dioxide.
16 Greenhouse gases are directly linked to local and
17 global climate change impacts.

18 (6) Misinterpretation of the date labels on foods is a key
19 factor leading to food waste in American households,
20 and surveys show that fifty-six to ninety per cent of



1 consumers discard some food prematurely as a result of
2 misinterpreting food date labels.

3 The purpose of this Act is to require the department of
4 health to publish information that would encourage manufacturers
5 and retailers of food to modify their food product labels for
6 consistency and clarity as to the date which food is still
7 safely edible.

8 SECTION 2. Chapter 328, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§328- Food labeling; quality and safety dates; consumer
12 education. (a) The department of health, in collaboration with
13 the department of agriculture, shall publish information to
14 encourage food manufacturers, processors, and retailers
15 responsible for the labeling of food products to voluntarily use
16 the following terms on food product labels to consistently
17 communicate quality dates and safety dates:

- 18 (1) "BEST if Used by" or "BEST if Used or Frozen by" to
19 indicate the quality date of a product; and
20 (2) "USE by" or "USE by or Freeze by" to indicate the
21 safety date of a product.



1 The information described in this subsection shall be published
2 by the department of health before July 2, 2019.

3 (b) The department of health shall promote the consistent
4 use of the terms defined in this section in its interactions
5 with food manufacturers, processors, and retailers. The
6 department shall encourage food distributors and retailers to
7 develop alternatives to consumer-facing sell by dates.

8 (c) There is established within the department of health a
9 consumer education special account, into which shall be
10 deposited moneys received from public or private sources for
11 consumer education of quality and safety dates.

12 Funds in the special account shall be expended by the
13 department of health to educate consumers about the meaning of
14 quality dates and safety dates as defined in this section.

15 Moneys on balance in the consumer education special account
16 at the close of each fiscal year shall remain in the account and
17 shall not lapse to the credit of the general fund.

18 (d) For purposes of this section:

19 "Quality date" means a date on a label on food or a package
20 of food after which the food quality may begin to deteriorate
21 but the food may still be acceptable and safe for consumption.



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1 "Safety date" means a date on a label on food or a package
 2 of food before which the food should be consumed, or frozen if
 3 appropriate, and after which the food may be unsafe for
 4 consumption.

5 "Sell by date" means a date on a label on food or a package
 6 of food that is intended for a distributor or retailer for
 7 purposes of stock rotation and that is not a quality date or a
 8 safety date."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 2554

Report Title:

Food Safety Labeling; Consumer Education

Description:

Requires the department of health to publish information that encourages food manufacturers, processors, and retailers to use standard terminology that clarifies food safety and quality dates when labeling food products.

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