

Honolulu, Hawaii

, 2020 FEB 0 6

RE: H.B. No. 2234

H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2234 entitled:

"A BILL FOR AN ACT RELATING TO FOOD DONATION,"

begs leave to report as follows:

The purpose of this measure is to discourage food waste and encourage food donation to needy recipients by:

- (1)Requiring education about food donation liability protections to be made a part of the health inspection process so that food establishments are aware and assured of these provisions;
- (2) Clarifying and expanding liability protections for good-faith food donors; and
- (3) Expanding liability protections to cover the donation of perishable or nonperishable food that has exceeded its labeled shelf life and farm produce if the donor reasonably believes that the food is fit for human consumption.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association, Surfrider Oahu, Aloha Harvest, Kokua Hawaii Foundation, and four individuals. Your

Committee received testimony in opposition to this measure from the Department of Health.

Your Committee finds that despite the high levels of food insecurity in the State and liability protections for donors of food products, Hawaii businesses and residents discard more than 237,000 tons of food waste per year. Your Committee has heard the testimony from the Department of Health, noting that the Department has existing guidelines on food safety and donation and expressing concerns over whether requiring regulatory agents of the Department to provide education on food donation is appropriate. Your Committee understands these concerns and finds that a study on the reasons why more businesses and nonprofit organizations are not donating surplus food is necessary.

Accordingly, your Committee has amended this measure by:

- Deleting language that required health inspections to include education on food donations; clarified and expanded liability protections for food donation; and permitted the donation of certain food that has exceeded its shelf life:
- (2) Requiring the Department of Health to conduct a study on increasing the number of restaurants and nonprofit organizations donating surplus food and report to the Legislature;
- (3) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (4)Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2234, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2234, H.D. 1, and be referred to your Committee on Judiciary.

STAND. COM. REP. NO. **63**-20 Page 3

Respectfully submitted on behalf of the members of the Committee on Health,

JOHN M. MIZUNO, Cha

State of Hawaii House of Representatives The THIRTIETH Legislature

HSCR 163-20

Record of Votes of the Committee on Health

Bill/Resolution No.: WD 22-34	Committee Referral: #LT, JUD, KIN	Date:	-30-20
☐ 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)			
HLT Members	Ayes Ay	yes (WR) N	lays Excused
1. MIZUNO, John M. (C)	V		
2. KOBAYASHI, Bertrand (VC)	V		
3. BELATTI, Della Au		<u> </u>	
J. BELITTI, Belia Au			
4. NAKAMURA, Nadine K.	/		
5. SAN BUENAVENTURA, Joy A.			
6. SAY, Calvin K.Y.	Y		
7. TOKIOKA, James Kunane			
7. TOKIOKA, James Kunane	V		1055
8. WARD, Gene			
	And the state of t		
	[
	an a		
TOTAL (8)	8 -	O 0	7 0
	pted	O O	nmendation.
The recommendation is: Ado	pted	edid not support recom	nmendation.