

Honolulu, Hawaii

#### MAR 0 1 2024

RE: S.B. No. 2106 S.D. 2

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred S.B. No. 2106, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VALUE-ADDED PRODUCTION,"

beg leave to report as follows:

The purpose and intent of this measure is to establish the Access to Local Value-Added Products Act to allow homemade food operations to sell homemade food products, under certain conditions, upon registering with and receiving a permit from the Department of Health.

Your Committees received testimony in support of this measure from the Agribusiness Development Corporation; Hawaii Tropical Fruit Growers; Hawai'i Farm Bureau; Institute for Justice; Grassroot Institute of Hawaii; Maui Chamber of Commerce; Hawaiian Goodness LLC; Hawaii Master Food Preservers, Inc.; Pukana Lā Farms; Sally Jane's Sweets and Savories; and four individuals.

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

Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that the homemade food industry, which includes home-cooked food products that are sold directly to



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consumers, is a small but growing industry that is preferred by certain consumers who are mindful of responsible food sourcing, interested in a healthy lifestyle, and want to support the local communities and individuals who produce the foods that they enjoy. Your Committees find that despite the great interest in homemade food, the existing regulatory framework creates many challenges and burdens for those who cannot easily comply with the requirements established by the Department of Health. Your Committees find that by enacting this measure, the State can help support and grow small businesses, offer locally-made alternatives to imported brands, create local employment opportunities, and keep more money within local communities.

Your Committees have amended this measure by:

- (1) Deleting language that would have established a permitting system for homemade food operations administered by the Department of Health and replacing it with language requiring homemade food operations to register with the Department of Health;
- (2) Inserting language to require a homemade food operation to submit for each homemade food operator proof of a valid food safety manager certificate issued by a program accredited by the American National Standards Institute, in addition to a food handlers education certificate;
- (3) Deleting language that would have exempted the production and sale of homemade food products regulated under this measure from all other licensing, permitting, inspection, packaging, and labeling laws administered by the Department of Health, subject to certain conditions;
- (4) Deleting language that would have established certain requirements regulating the sale and delivery of nonpotentially hazardous homemade food products and potentially hazardous homemade food products;
- (5) Deleting language that would have clarified that homemade food operations shall be allowed to the maximum extent permitted by federal law and that homemade food



operations shall be allowed to sell certain poultry, poultry byproducts, poultry food products, and seafood;

- (6) Inserting an effective date of July 1, 2040, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2106, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2106, S.D. 2.

> Respectfully submitted on behalf of the members of the Committees on Commerce and Consumer Protection and Ways and Means,

DELA DONOVAN M.

and Means,

RRATT KEOHOKALOLE, Chair



# The Senate Thirty-Second Legislature State of Hawaiʻi

## **Record of Votes Committee on Commerce and Consumer Protection** CPN

Bill / Resolution No.:*	Committee Referral: Date:							
582406 501 AEN, CPN/WAM 3/1/2024								
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
KEOHOKALOLE, Jarrett (C)		<ul> <li>✓</li> </ul>						
FUKUNAGA, Carol (VC)		~						
MCKELVEY, Angus L.K.					<ul> <li>✓</li> </ul>			
RICHARDS, III, Herbert M. "Tim"		/						
AWA, Brenton		<b>/</b>						
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TOTAL		4			1			
Recommendation:					L′			
	Adopted		<b>N</b>	ot Adopted				
Chair's or Designee's Signature:								
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Distribution: Original File with Committee R	Yellow Pink Goldenrod Report Clerk's Office Drafting Agency Committee File Copy							

\*Only one measure per Record of Votes

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### The Senate Thirty-Second Legislature State of Hawaiʻi

## Record of Votes Committee on Ways and Means WAM

SB 2\00 SD1       AEN. CPN/WAM       311/24            The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:            The Recommendation is:        Pass, unamended       Hold       Recommit 2312         Members       Aye       Aye (WR)       Nay       Excused         DELA CRUZ, Donovan M. (C)       X       X       X         MORIWAKI, Sharon Y. (VC)       X       X       X         AQUINO, Henry J.C.       X       X       X         DECOITE, Lynn       X       X       X         HASHIMOTO, Troy N.       X       X       X         INOUYE, Lorraine R.       X       X       X         KIDANI, Michelle N.       X       X       X         KIM, Donna Mercado       X       X       X         LEE, Chris       X       X       X         SHIMABUKURO, Maile S.L.       X       X       X         WAKAI, Glenn       X       X       X         FEVELLA, Kurt       X       X       X         Integer Signature:       Integer Signature:       X       X         Distribution:       Original File with Committee Report       Yellow <th>Bill / Resolutio</th> <th>on No.:*</th> <th colspan="2">Committee Referral:</th> <th></th> <th colspan="3">Date:</th>	Bill / Resolutio	on No.:*	Committee Referral:			Date:				
If so, then the previous decision was to:         The Recommendation is:         Pass, unamended       Pass, with amendments       Hold       Recommit         2311       2311       2310       2313         Members       Aye       Aye       May       Excused         DELA CRUZ, Donovan M. (C)       X	SB 210	Q SDI	AEN, CPN/WAH			3/1/24				
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\*Only <u>one</u> measure per Record of Votes

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