

STAND. COM. REP. NO. **3035**

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



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 non-potentially 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,



DONOVAN M. DELA CRUZ, Chair



JERRITT KEOHOKALOLE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2106 SDI	AEN, CPN/WAM	3/1/2024		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.				✓
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton	✓			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Carol Fukunaga</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2100 SD1	AEN: CPN/WAM	3/1/24		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			✗
DECOITE, Lynn	X			✗
HASHIMOTO, Troy N.	X			✗
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
SHIMABUKURO, Maile S.L.				X
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	12	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: _____				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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