
A BILL FOR AN ACT

RELATING TO THE HAWAII CHILD NUTRITION PROGRAMS.

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

1 SECTION 1. The legislature finds that the Hawaii child
2 nutrition programs is the state agency link between the United
3 States Department of Agriculture Food and Nutrition Service and
4 local program operators. The agency conducts audits, provides
5 technical assistance, and disburses federal funds while ensuring
6 the programs are managed according to federal requirements.

7 The legislature further finds that the Hawaii child
8 nutrition programs has a critical role in ensuring the
9 department of education reaches the programmatic goal
10 established in Act 175, Session Laws of Hawaii 2021, to provide
11 at least thirty per cent locally grown food in the State's
12 public schools by 2030. However, additional resources and staff
13 dedicated to farm-to-school connections are needed to ensure the
14 department of education meets its "30 by 30" goal.

15 The legislature recognizes that the Hawaii child nutrition
16 programs is an agency attached to the department of education
17 under the board of education.



1 The purpose of this Act is to:

2 (1) Establish the Hawaii child nutrition programs as an
3 agency in the department of agriculture; and

4 (2) Fund grant-based programs to be administered through
5 the Hawaii child nutrition programs.

6 SECTION 2. The Hawaii Revised Statutes is amended by
7 adding a new chapter to be appropriately designated and to read
8 as follows:

9 "CHAPTER

10 HAWAII CHILD NUTRITION PROGRAMS

11 § -1 **Definitions.** As used in this chapter, "agency"
12 means the Hawaii child nutrition programs agency.

13 § -2 **Hawaii child nutrition programs agency; purpose.**

14 (a) There is established within the department of agriculture
15 for administrative purposes only, the Hawaii child nutrition
16 programs agency. The agency shall serve as the state link
17 between the United States Department of Agriculture Food and
18 Nutrition Services and local program operators.

19 (b) The purpose of the Hawaii child nutrition programs
20 agency is to conduct audits, provide technical assistance,
21 disburse federal funds to local program operators, and



1 administer and award grants to promote the purchasing of locally
2 grown foods by all schools in the State participating in the
3 United States Department of Agriculture child nutrition
4 programs.

5 **§ -3 Grants.** (a) The agency shall administer a grant
6 program to support the State's public schools by funding the
7 initiatives described in subsection (c).

8 (b) Funding shall be used for the purposes described in
9 subsection (c); provided that no more than two per cent of the
10 funding received by the grantee shall be retained to be used for
11 administration costs. Funding retained by project partners for
12 data collection, outreach, and training shall not exceed one per
13 cent for each project partner.

14 (c) Grants shall be awarded to fund:

15 (1) The purchase of minimally processed local food
16 products;

17 (2) Equipment to increase the use and preparation of
18 minimally processed local foods in school meals;

19 (3) Professional development to educate children about
20 good nutrition and farm-to-school connections; and



1 (4) Technical assistance to increase participation in
2 federal child nutrition programs.

3 (d) Applications by private entities for grants shall be
4 made to the department of agriculture and contain the
5 information as shall be required by rules adopted by the
6 department. At a minimum, the applicant shall:

7 (1) Be licensed or accredited, in accordance with federal,
8 state, or county statutes, rules, or ordinances, to
9 conduct the activities or provide the services for
10 which a grant is awarded;

11 (2) Provide a detailed plan outlining the scope,
12 objectives, and projected impact of the project or
13 projects and a clear breakdown of how grant funds will
14 be used;

15 (3) Agree to use state funds exclusively for the purposes
16 described in subsection (c);

17 (4) Indicate the applicant's capability to properly use
18 the grant for purposes described in subsection (c);

19 (5) Comply with all applicable federal and state laws
20 prohibiting discrimination against any person on the
21 basis of race, color, national origin, religion,



- 1 creed, sex, age, sexual orientation, disability, or
2 any other characteristic protected under applicable
3 federal or state law;
- 4 (6) Agree not to use state funds for purposes of
5 entertainment or perquisites;
- 6 (7) Comply with other requirements as the department of
7 agriculture may prescribe;
- 8 (8) Comply with all applicable federal, state, and county
9 statutes, rules, and ordinances;
- 10 (9) Agree to indemnify and save harmless the State of
11 Hawaii and its officers, agents, and employees from
12 and against any and all claims arising out of or
13 resulting from activities carried out or projects
14 undertaken with funds provided and procure sufficient
15 insurance to provide this indemnification if requested
16 to do so by the department of agriculture; and
- 17 (10) Agree to make available to the department of
18 agriculture all records the applicant may have
19 relating to the grant to allow state agencies to
20 monitor the applicant's compliance with this section.



1 (e) In determining recipients for grants related to farm-
2 to-school education and increasing participation in federal
3 child nutrition programs, the agency shall give preference to
4 grantees who propose educational activities that meet one or
5 more of the following:

- 6 (1) Promotion of healthy food activities;
- 7 (2) Clear educational objectives;
- 8 (3) Involvement of parents or the community;
- 9 (4) Connect to a school or child care center's farm-to-
10 school or farm-to-early-child-care procurement
11 activities; and
- 12 (5) Marketing and promoting the program to increase pupil
13 knowledge and consumption of Hawaii-grown products.

14 § -4 **Reports to the legislature.** The agency shall
15 submit a report to the legislature on the disbursement of funds
16 awarded pursuant to section -3 no later than twenty days
17 prior to the convening of each regular session."

18 SECTION 3. All employees of the Hawaii child nutrition
19 programs who occupy civil service positions and whose functions
20 are transferred to the department of agriculture by this Act
21 shall retain their civil service status, whether permanent or



1 temporary. Employees shall be transferred without loss of
2 salary, seniority (except as prescribed by applicable collective
3 bargaining agreements), retention points, prior service credit,
4 any vacation and sick leave credits previously earned, and other
5 rights, benefits, and privileges, in accordance with state
6 personnel laws and this Act; provided that the employees possess
7 the minimum qualifications and public employment requirements
8 for the class or position to which transferred or appointed, as
9 applicable; provided further that subsequent changes in status
10 may be made pursuant to applicable civil service and
11 compensation laws.

12 Any employee who, prior to this Act, is exempt from civil
13 service and is transferred as a consequence of this Act may
14 retain the employee's exempt status, but shall not be appointed
15 to a civil service position as a consequence of this Act. An
16 exempt employee who is transferred by this Act shall not suffer
17 any loss of prior service credit, vacation or sick leave credits
18 previously earned, or other employee benefits or privileges as a
19 consequence of this Act; provided that the employees possess
20 legal and public employment requirements for the position to
21 which transferred or appointed, as applicable; provided further



1 that subsequent changes in status may be made pursuant to
2 applicable employment and compensation laws.

3 SECTION 4. All appropriations, records, equipment,
4 machines, files, supplies, contracts, books, papers, documents,
5 maps, and other personal property heretofore made, used,
6 acquired, or held by the department of education relating to the
7 functions transferred to the department of agriculture shall be
8 transferred with the functions to which they relate.

9 SECTION 5. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2025-2026 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2026-2027 to fund grants administered by the Hawaii child
14 nutrition programs agency for the 2025-2026 school year.

15 The sums appropriated shall be expended by the department
16 of agriculture for the purposes of this Act.

17 SECTION 6. This Act shall take effect on July 1, 3000.



H.B. NO. 497 H.D. 2

Report Title:

Hawaii Child Nutrition Programs; Department of Agriculture;
Grants; Appropriation

Description:

Transfers the Hawaii Child Nutrition Programs Agency from the Department of Education to the Department of Agriculture and codifies its establishment. Establishes a grant program to be administered by the Agency to support the funding of certain initiatives for the State's public schools. Appropriates funds for grants. Effective 7/1/3000. (HD2)

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