



STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of SB3137 SD1
RELATING TO THE DEPARTMENT OF HEALTH'S AUTHORITY TO REGULATE
FOOD, DRUGS, AND COSMETICS**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date, Time and Room Number: 02/25/2026, 10:55 am, 211

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health ("Department") supports SB3137 SD1.

3 **Department Testimony:** The Environmental Health Services Division ("EHSD") provides the
4 following testimony on behalf of the Department:

5 SB3137 SD1 amends Hawaii Revised Statutes ("HRS") chapters 321 and 328 by
6 consolidating existing statutory mandates and authorities for the regulation of food, drugs, and
7 cosmetics into HRS chapter 328. Currently, the Department's regulation of food, drugs, and
8 cosmetics is split between general authorizations provided in HRS chapter 321 and chapter 328.
9 Enacting this measure will ensure clear guidance and authority for the Department and the
10 regulated community to protect public health.

11 Presently, the Department is required to implement programs to ensure that all food,
12 drugs, cosmetics, and other related consumer products are safe under both HRS chapter 321,
13 "Health," and HRS chapter 328, "Food, Drugs and Cosmetics." The Department's Food Safety
14 Branch, which is responsible for regulating retail food establishments, and the Department's
15 Food and Drug Branch, which is responsible for regulating manufactured foods, have adopted

1 separate administrative rules to implement HRS chapters 321 and 328, respectively: Hawaii
2 Administrative Rules (“HAR”) 11-50, “Food Safety Code,” and HAR 11-29, “Food and Food
3 Products.”

4 The Department notes that the different statutory authorities result in a lack of
5 alignment of the regulations. For example, HRS chapter 328 does not explicitly authorize the
6 Department to issue permits for food manufacturing facilities. This is a barrier for the
7 Department to develop an effective regulatory program in support of local food manufacturing,
8 including value-added food products and other upstream aspects of food production, while
9 ensuring that the public is safe. Enacting this measure is the first step to separating food
10 manufacturing firms from retail food establishments to ensure consistent oversight and support
11 for manufactured foods that can be safely transported to out-of-state markets.

12 This measure will provide the Department with clear authority and consolidate
13 mandates for the regulation of food, drugs, and cosmetics. Should SB3137 SD1 be enacted, the
14 Department will readopt and realign its administrative rules consistent with the updated
15 directives and authorities. Both the Food Safety Branch and the Food and Drug Branch will have
16 clear programmatic missions, and the regulated community will have clear compliance
17 requirements consistent with State and federal regulations. These revisions will reduce
18 ambiguity, reduce regulatory overlap, promote local business development and ultimately
19 improve food safety.

20 **Offered Amendments:** None.

21 Thank you for the opportunity to testify on this measure.

SB-3137-SD-1

Submitted on: 2/23/2026 10:05:51 PM

Testimony for WAM on 2/25/2026 10:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Comments	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Comment

3137 SB RELATING TO THE DEPARTMENT OF HEALTH'S AUTHORITY TO
REGULATE FOOD, DRUGS, AND COSMETICS.

TO INCLUDE PFAS? MICROPLASTIC?



Date of Hearing: 25 February, 2026

To: Chair Dela Cruz, Vice Chair Moriwaki, and the Senate Committee on Ways and Means

Subject: **SB3137 SD1**, Relating to the Department of Health's Authority to Regulate Food, Drugs, and Cosmetics.

Aloha,

Hawai'i Food+ Policy (HF+P) is writing in **support of SB3137 SD1** which moves language from HRS chapter 321 to chapter 328 relating to the Department of Health's (DOH) authority to regulate food, drugs, and cosmetics.

SB3137 SD1 also establishes both the food safety and environmental health special fund and the food safety consultative and education program. We support improving the safety of food, drugs, and cosmetics, and facilitating the development of food and related foods made and sold in Hawai'i through concerted efforts. SB3137 SD1 also relates to SB3320 SD1, relating to the Food and Product Innovation Network, and HB2229 HD1, relating to microenterprise home kitchens.

Testimony HF+P submitted on HB2229 suggested amendments to improve precautionary methods, such as requiring basic food safety training, allowing DOH to identify high-risk foods, and setting clear record-keeping requirements. Within testimony submitted on SB3320, we requested clarification on the process by which the program would develop a "food safety and regulatory framework across all primary and partner members." The Advisory council on food protection practices created within §321-4.6 (and removed in this legislation) appeared to be a vehicle to facilitate this framework however, the food safety consultative and education program may be able to provide functions and address our concerns with clarifying whether food safety inspections and certifications will be administered directly by the State or coordinated through contracted entities would help ensure efficiency and avoid duplication.

With these comments, we support this SB3137 SD1, acknowledge the exemptions for both hand-pounded poi in addition to producers of homemade food products, and urge the committees to pass this bill.

Mahalo,
Brandon Kinard & the Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.