

STAND. COM. REP. NO. **2635**

Honolulu, Hawaii

FEB 20 2026

RE: S.B. No. 3137
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committees on Health and Human Services and Commerce and Consumer Protection, to which was referred S.B. No. 3137 entitled:

"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH'S
AUTHORITY TO REGULATE FOOD, DRUGS, AND COSMETICS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Remove duplicative food-related statutory material and align all food-related provisions under chapter 328, Hawaii Revised Statutes (HRS); and
- (2) Ensure adequate statutory authority for permits, fees, inspections, and enforcement.

Your Committees received testimony in support of this measure from the Department of Health and Hawaii Food+ Policy.

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



separate administrative rules to implement chapters 321 and 328, HRS, respectively. Your Committees further find that different statutory authorities result in a lack of alignment of the regulations. This measure improves the safety of food, drugs, and cosmetics, and facilitates the development of food and related goods made and sold in the State by clarifying the Department of Health's legal authority pertaining to the regulation of food, drugs, and cosmetics, as it relates to food safety and public health.

Your Committees have amended this measure by:

- (1) Making the repeal of the Sanitation and Environmental Health Special Fund take effect on June 30, 2027, to allow one year for the Department of Health and the Department of Budget and Finance to establish and coordinate the transfer of funds; and
- (2) 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 Health and Human Services and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3137, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3137, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services and Commerce and
Consumer Protection,



JARRETT KEOHOKALOLE, Chair



JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* SB 3137	Committee Referral: HHS/CPN, WAM	Date: 2/18/2024		
<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
SAN BUENAVENTURA, Joy A. (C)	✓			✓
MCKELVEY, Angus L.K. (VC)				✓
KANUHA, Dru Mamo	✓			
KEOHOKALOPE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB3137	Committee Referral: HHS/CPN, WAM	Date: 2/18/2026		
<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)	✓			
LAMOSAO, Rachele	✓			
MCKELVEY, Angus L.K.				✓
AWA, Brenton	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

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