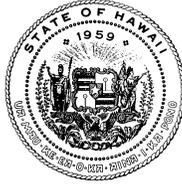


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII'



KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB2229
RELATING TO MICROENTERPRISE HOME KITCHENS**

REPRESENTATIVE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date, Time and Room Number: 02/13/2026, 09:00 am, 329

1 **Fiscal Implications:** Undetermined. This measure may impact the priorities identified in the
2 Governor's Executive Budget Request for the Department of Health's (Department's)
3 appropriations and personnel priorities.

4 **Department Position:** The Department comments on this measure and offers proposed
5 amendments.

6 **Department Testimony:** The Environmental Health Services Division, Food Safety Branch,
7 (EHSD-FSB) provides the following testimony on behalf of the Department.

8 HB2229 authorizes microenterprise home kitchens as lawful, small-scale, home-based
9 food business models by eliminating pre-operation permitting and routine inspections for
10 qualifying operations of microenterprise home kitchens and instead proposes relying on clear
11 consumer disclosure and targeted complaint-based enforcement to ensure safety.

12 The Department recognizes the value of supporting small businesses and appreciates
13 that the bill also recognizes the importance of food safety standards. However, the
14 Department has serious concerns that authorizing any sale of time/temperature controlled for
15 safety foods without adequate training or regulatory controls will have serious negative public
16 health outcomes, as these foods carry the highest risk of making people sick.

1 Time/temperature controls for safety (TCS) is a scientifically defensible food safety
2 concept promoted by the U.S. Food and Drug Administration and food safety experts. TCS
3 recognizes that strict time and temperature controls must be implemented to prevent the
4 proliferation of pathogens and toxin formation in certain foods and food preparation methods.
5 TCS foods pose the highest risk for foodborne illnesses. Common TCS foods include animal
6 products, such as beef, pork, poultry, fish, eggs, and dairy, and cooked starches and plants, such
7 as cooked rice, pasta, and baked potatoes.

8 On a federal level, the 2022 U.S. Food and Drug Administration Model Food Code does
9 not allow home kitchens to be used for the commercial preparation of food. While many state
10 and local jurisdictions have adopted laws allowing certain homemade foods to be produced,
11 packaged, and sold with limited oversight, these exemptions are safest when limited to non-TCS
12 foods, as is currently allowed under Hawaii law.

13 In August 2025, the Department expanded the definition of “Homemade Food
14 Products” in HAR Title 11, Chapter 50 (HAR 11-50), as directed by the passage of Act 195, SLH
15 2024, to include non-TCS and non-potentially hazardous foods. Homemade food products are
16 required to be properly labeled to indicate they are not made in a DOH-inspected facility, and
17 the operators of these “homemade food operations” also must complete basic food safety
18 training, such as a Food Handlers Certification, which is offered free-of-charge by the
19 Department.

20 The expansion of homemade food products under HAR 11-50 allows foods with lower
21 risk for causing foodborne illness to be made in home kitchens without permits, and to be sold
22 either directly to consumers or via third-party retailers and wholesalers. This appears to be
23 consistent with the intent of this measure, given that on page 9, lines 1-3, the Department is
24 allowed to prohibit specific high-risk foods or processes from being produced in a
25 microenterprise home kitchen.

1 The Department discourages any expansion of “cottage foods” or “homemade foods” to
2 include TCS foods. The utilization of private residences for commercial food production of TCS
3 foods is inconsistent with DOH’s mission to protect public health. Authorizing the expansion of
4 unregulated or minimally trained food producers is likely to result in the increase of foodborne
5 diseases, particularly with vulnerable populations such as keiki and kupuna. During foodborne
6 illness investigations, Department personnel look specifically at TCS foods from suspected food
7 establishments as the cause of illnesses due to the high likelihood that TCS foods and deviation
8 from TCS protocols lead to foodborne illness.

9 The Department also notes that this measure would reduce the market for homemade
10 food products. Allowable homemade foods under HAR 11-50 currently may be sold direct to
11 consumers or to third-party vendors. As drafted, this measure restricts wholesale and third-
12 party sales in favor of solely allowing direct-to-consumer sales.

13

14 **Offered Amendments:** None

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



1050 Bishop St. PMB 235 |
Honolulu, HI 96813
P: 808-533-1292 | e:
info@hawaiiifood.com

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TO: Committee on Health
FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 13, 2026
TIME: 9am

RE: HB2229 Relating to Microenterprise Home Kitchens
Position: Support

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, manufacturers and distributors of food and beverage related products in the State of Hawaii.

HFIA is in support of this measure. Hawaii has a thriving network of commercial kitchens and other facilities that are available to food entrepreneurs when their business reaches a certain level. In order to get to that level many food businesses owners must start at home, selling product to their friends and neighbors.

By authorizing microenterprise home kitchens and cottage food operations, while relying on clear consumer disclosures and risk-appropriate food-safety standards, this measure can enable the smallest local food entrepreneurs to get their start.

HFIA has proudly produced the Made in Hawaii Festival for over 30 years, and many of our successful food vendors got their start cooking at home and providing food to their communities. Enabling microenterprise means supporting the next generation of successful Hawaii businesses. Removing unnecessary road blocks to local businesses at all levels helps promote local manufacturing and creates an economy that is more diverse, more locally focused, and stronger for us all. We urge the Committee to pass this measure and we thank you for the opportunity to testify.

Feb. 13, 2026, 9 a.m.
Hawaii State Capitol
Conference Room 329 and Videoconference

To: House Committee on Consumer Protection & Commerce
Rep. Gregg Takayama, Chair
Rep. Sue L. Keohokapu-Lee Loy, Vice Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF HB2229 — RELATING TO MICROENTERPRISE HOME KITCHENS

Aloha chair, vice chair and other members of the committees,

The Grassroot Institute of Hawaii **supports** [HB2229](#), which would allow Hawaii residents to open small-scale food operations through the creation of microenterprise home kitchen operations.

The bill would subject MEHKOs to permit and inspection requirements administered by the state Department of Health.

If enacted, it would put Hawaii on the forefront of states that have legalized MEHKOs in order to advance food freedom and allow entrepreneurs to launch home cooking operations.

MEHKOs are a smart small-business response to the high entry costs of opening restaurants and food trucks. They are also adaptable, making them a more attainable option for chefs and cooks interested in starting new part-time businesses.

Individuals who face financial or practical barriers that make it difficult to launch a food business could especially benefit from MEHKOs. Surveys have indicated that 83% of those participating in this informal food economy are women, and many live in rural areas.¹

¹ Patrick Montgomery, Regina Paparo and Emily M. Broad Leib, "[Cottage Foods And Home Kitchens: 2021 State Policy Trends](#)," Food Law and Policy Clinic at Harvard Law School, January 2022, p. 2.

Concerns over the safety of MEHKOs would be addressed by the permitting requirements included in the bill, which would mandate compliance with comprehensive food safety rules and allow Department of Health inspections.

In addition, the bill would curtail on-site consumption of food and bar sales to third-party retailers or wholesalers.

Finally, this bill deserves praise for not including an artificial cap on the number of meals or the amount of revenue an MEHKO could have in a year, as is the case under current California law.²

Given the financial challenges of operating a business in Hawaii, taking a “light touch” approach to regulating a budding MEHKO program is the best way to help the industry grow.

Encouraging the creation of small food enterprises through this legislation would be good for Hawaii entrepreneurs and the economy as a whole. This bill also would also further Hawaii’s goal of producing more food in the state to boost its food sovereignty.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

² Dan King, [“Popular Bill to Expand California’s At-Home Kitchen Business Program Becomes Law,”](#) Institute for Justice, July 25, 2023.



Date of Hearing: February 13, 2026

To: Chair Gregg Takayama, Vice Chair Sue L. Keohokapu-Lee Loy, and the House Committee on Health

Subject: **HB 2229**, Relating to Microenterprise Home Kitchens

Aloha,

I am writing **in support of HB 2229 with amendments**. This measure legalizes microenterprise home kitchens (MEHKs), allows residents to sell home-prepared food directly to consumers, eliminates pre-operation permitting and routine inspections, relies on consumer disclosure with complaint-based enforcement, and uses state and federal food safety laws to maintain public health protections.

Food access is a serious concern. From 2024-2025, 32% of households, and 11% of households went a whole day without food at least once during the year¹. This insecurity is rooted in our lack of investment in the local food systems. About 90% of our food is imported, and when disaster strikes, the state only has about 5 days' worth of food supply to sustain residents and visitors². Legalizing MEHKs is a step towards food sovereignty, allowing communities to feed themselves. This bill provides strong support towards both the economy and the food system, therefore reducing dependence on food imports.

A concern with this measure is food safety in these minimally regulated environments. As we work to develop the local food system, having achievable regulations will protect the longevity of MEHKs as a viable food source. Before passing the bill, we suggest amendments to improve precautionary measures, such as requiring basic food safety training, allowing DOH to identify high-risk foods, and setting clear record-keeping requirements. Protections like this will not stunt the productivity of MEHKs, but rather record and protect these establishments to continue prolific development.

We must make efforts to develop our local food system while centering the safety of all residents. For these reasons, **I urge the committee to pass HB 2229 with amendments**.

Mahalo,

Brandon Kinard and The Food+ Policy Team

#fixourfoodsystem

[1] Pirkle, C. M. (2025). The state of food insecurity in Hawai'i 2024–2025. Hawai'i Foodbank.

[2] McGregor, L. W. (2018). *How food secure are we if natural disaster strikes?* Hawai'i Sea Grant, University of Hawai'i. <https://seagrant.soest.hawaii.edu/how-food-secure-are-we-if-natural-disaster-strikes/>

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.

LATE

HB-2229

Submitted on: 2/12/2026 11:38:26 PM

Testimony for HLT on 2/13/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Young	CARES	Support	Remotely Via Zoom

Comments:

Support.

HB-2229

Submitted on: 2/11/2026 10:18:31 AM

Testimony for HLT on 2/13/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

SUPPORT