



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2102, S.D. 1, RELATING TO INDUSTRIAL HEMP.

BEFORE THE:

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

DATE: Thursday, February 26, 2026 **TIME:** 9:45 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Travis T. Moon,
Deputy Attorney General, at (808) 586-1160)

Chair Keohokalole and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill authorizes the manufacturing, distribution, and use of hemp-derived feed ingredients in commercial feed for pets, specialty pets, and horses. The bill also provides that the manufacturing, distribution, and use of hemp-derived feed ingredients in commercial feed for livestock in the State shall be contingent upon approval by the United States Food and Drug Administration (FDA) or upon publication of a definition for the ingredient and its intended use in the official publication of the Association of American Feed Control Officials (AAFCO).

AAFCO is a private, nonprofit organization composed of state, federal, and international feed regulatory officials. Although AAFCO's official publication is widely relied upon by states for model ingredient definitions and regulatory guidance, AAFCO is not a governmental entity and does not exercise sovereign regulatory authority.

As currently drafted, this bill would allow the FDA or AAFCO to determine whether hemp or hemp-derived feed ingredients may be manufactured, distributed, and used for commercial feed for livestock in the State. (See page 2, line 13, through page 3, line 4; page 4, line 19, through page 5, line 5; page 6 lines 7–13). By conditioning the legality of livestock feed ingredients on future approvals by the FDA or future publications by AAFCO, the bill may be subject to challenge as an unlawful delegation of legislative power. See *State v. Christie*, 70 Haw. 158, 171, 766 P.2d 1198, 1205 (1988) ("legislation empowering 'private persons to decide what the law shall be' may be

invalid."); *cf. State v. Tengan*, 67 Haw. 451, 463, 691 P.2d 365, 373 (1984) ("state legislation which adopts by reference *future* legislation, rules, or regulations, or amendments thereof, which are enacted, adopted, or promulgated by another sovereign entity, [would constitute] an unlawful delegation of legislative power.") (emphasis in original).

As such, we recommend the following amendments.

- Deleting subsection (b) on page 2, line 13, through page 3, line 4.
- Revising subsection (d) on page 3, lines 13-14, as follows: "including cannabidiol~~[, in feed unless expressly permitted under federal law for the intended species and use].~~"
- Revising the definition of "Hemp-derived feed ingredient" on page 4, line 19, through page 5, line 5, as follows: "chapter~~[, "Hemp-derived feed ingredient" includes]~~, including hempseed, hempseed oil, hempseed meal, and hempseed cake. ~~["Hemp-derived feed ingredient" does not include cannabinoids, including cannabidiol, manufactured and used for commercial feed unless and until expressly permitted for the intended species by the United States Food and Drug Administration or defined in the official publication of the Association of American Feed Control Officials.]~~"
- Revising the definition of "commercial feed" on page 6, lines 7-13, as follows: "specialty pet, or horse~~;~~ ~~provided further that "commercial feed" shall include feed containing or mixed with hemp or hemp-derived feed ingredients for livestock only upon approval of the ingredient and permissible species by the United States Food and Drug Administration or its definition in the official publication of the Association of American Feed Control Officials].~~"
- Revising page 6, lines 14–18, as follows: "SECTION 4. No later than December 31, 2026, the department of agriculture and biosecurity shall initiate rulemaking to ~~recognize any hemp-derived feed ingredient defined in the official publication of the Association of American Feed Control Officials~~ for the purpose of implementing section 144- (f)."

Thank you for the opportunity to provide comments.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY**

**BEFORE THE SENATE COMMITTEE ON COMMERCE AND CONSUMER
PROTECTION**

**THURSDAY, FEBRUARY 26, 2026
9:45 AM
CONFERENCE ROOM 229 & VIDEOCONFERENCE**

**SENATE BILL NO. 2102, SD1
RELATING TO INDUSTRIAL HEMP**

Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2102, SD1. Beginning 7/1/2026, this bill authorizes the use of hemp-derived feed ingredients to be manufactured, distributed, and used in commercial feed for pets, specialty pets, and horses. Authorizes the use of hemp and hemp-derived feed ingredients in commercial feed for livestock, contingent on approval by the United States Food and Drug Administration or Association of American Feed Control Officials (AAFCO). Requires the Department of Agriculture and Biosecurity to adopt rules.

The Department of Agriculture and Biosecurity (Department) offers the following comments.

Currently, AAFCO has approved only one specific hemp product for animal feed. This approval applies solely to "Hemp Seed Meal, Mechanically Extracted," which AAFCO defines as the product obtained by grinding or milling the cake that remains after most of the oil is mechanically removed from *Cannabis sativa L.* seeds. The meal shall contain no more than 20 ppm of total cannabidiol (CBD) and no more than 2 ppm of total tetrahydrocannabinol (THC).

The AAFCO-approved ingredient "hemp seed meal" is currently authorized for use only in feed for laying hens as a source of protein and fat. It is not approved for use with other animals mentioned in the bill, such as pets, specialty pets, horses, or livestock. Because the FDA has not determined that "hemp seed meal" is safe for other animal species, AAFCO currently permits its use only for laying hens, not for the additional species included in this bill.

Testimony of Sharon Hurd

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If SB 2102, SD1 is enacted, it may not be enforceable because FDA has not approved the ingredients for use in animals that this bill is seeking to allow and regulate. The lack of sufficient data to determine the safety of these hemp-derived feed ingredients raises concerns about the health implications for both animals and also humans consuming these animals. This bill may be applicable in the future once specific ingredients receive safety approval by FDA for the broader uses specified in this bill.

Thank you for the opportunity to provide testimony on this measure.



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Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Senate Commerce and Consumer Protection Committee,

The Hawai'i Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFU supports SB2102.**

SB2102 is a beneficial initiative for the agricultural community and sustainability efforts in Hawaii. By authorizing hemp-derived feed ingredients in commercial animal feed, the bill offers an opportunity to diversify agricultural production and reduce reliance on traditional feed sources. Hemp is a versatile crop that grows well in Hawaii's climate; it is highly efficient in terms of land and water use. Allowing hemp-derived ingredients in animal feed could lower costs for local farmers, enhance feed quality, and encourage the development of a burgeoning hemp industry within the state.

The inclusion of hemp products in livestock feed could potentially improve animal health and nutrition, leading to better-quality meat, dairy, and other animal products. Contingent on approval by the federal government or the Association of American Feed Control Officials, this forward-looking legislation aligns with broader agricultural trends that emphasize sustainable practices. The role of the Department of Agriculture and Biosecurity in adopting rules ensures that these changes are implemented safely and effectively, maintaining high standards for both animal welfare and food safety. SB2102 represents a thoughtful approach to expanding agricultural capabilities in Hawaii, supporting local farmers, and contributing to a more sustainable and self-reliant food system.

Mahalo for the opportunity to testify.

Hunter Heavilin
Advocacy Director
Hawai'i Farmers Union



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February 26, 2026

HEARING BEFORE THE
SENATE COMMITTEE ON CONSUMER PROTECTION

TESTIMONY ON SB 2102, SD1
RELATING TO INDUSTRIAL HEMP

Conference Room 229 & Videoconference
9:45 AM

Aloha Chair Keohokalole, Vice-Chair Fukunaga, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 2102, SD1, which authorizes the use of hemp-derived feed ingredients in commercial animal feed under clearly defined regulatory standards.

This measure modernizes Hawai'i's feed law by allowing hemp-derived ingredients in pet, specialty pet, and horse feed, while appropriately conditioning livestock use on federal approval or publication of a definition by the Association of American Feed Control Officials. Aligning state policy with federal science-based standards provides clarity for producers, feed manufacturers, and regulators.

SB 2102, SD1 creates potential new market opportunities for agricultural producers while maintaining important safeguards related to testing, labeling, and compliance. The bill appropriately restricts unauthorized use of cannabinoids and requires rulemaking to ensure product safety and transparency.

Providing additional lawful feed ingredient options can support agricultural diversification and value-added production in Hawai'i without imposing new mandates on existing producers.

Mahalo for the opportunity to testify in support of this measure.

SB-2102-SD-1

Submitted on: 2/22/2026 4:47:25 PM

Testimony for CPN on 2/26/2026 9:45:00 AM

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

Comments:

STRONG SUPPORT!