



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

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

SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR JARRETT KEOHOKALOPE, CHAIR  
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Hearing Date, Time and Room Number: 02/17/2026, 9:45 am, 229

1 **Fiscal Implications:** None.

2 **Department Position:** The Department of Health ("Department") supports this measure and  
3 offers proposed amendments.

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

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

12 Presently, the Department is required to implement programs to ensure that all food,  
13 drugs, cosmetics, and other related consumer products are safe under both HRS chapter 321,

1 “Health,” and HRS chapter 328, “Food, Drugs and Cosmetics.” The Department’s Food Safety  
2 Branch, which is responsible for regulating retail food establishments, and the Department’s  
3 Food and Drug Branch, which is responsible for regulating manufactured foods, have adopted  
4 separate administrative rules to implement HRS chapters 321 and 328, respectively: Hawaii  
5 Administrative Rules (“HAR”) 11-50, “Food Safety Code,” and HAR 11-29, “Food and Food  
6 Products.”

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

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

22 To ensure a seamless transition of the Department’s sanitation and environmental  
23 health special fund from HRS chapter 321 to HRS chapter 328, the Department respectfully  
24 requests an amendment to SB3137 to allow one year for the Department and the Department  
25 of Budget and Finance to establish and coordinate the transfer of funds.

1 **Offered Amendments:** Page 24, Line 8: "SECTION 16. This Act shall take effect upon its  
2 approval; provided that SECTION 12 shall take effect on June 30, 2027."

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



Date of Hearing: 17 February, 2026

To: Chair Joy A. San Buenaventura, Vice Chair Angus L.K. McKelvey and the Senate Committee on Health and Human Services and Chair Jarrett Keohokalole, Vice Chair Carol Fukunaga, and the Senate Committee on Commerce and Consumer Protection

Subject: **SB3137**, 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** 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 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 also relates to SB3320, relating to the Food and Product Innovation Network, and HB2229, 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 SB3137, 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, 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.

**LATE**

**SB-3137**

Submitted on: 2/17/2026 7:17:10 PM

Testimony for HHS on 2/17/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Honokaupu Jr	Individual	Oppose	Written Testimony Only

Comments:

**SB3137**

**After the fire and the way how the recovery is still going, is a slap in our face. Lahaina is to stay like that. The harbor goes to kamehameha and lahaina Luna. To learn how to sail. Build boats lean more our people. Fish ponds taro patches. A open field of learning culture. Build grass huts with real human knowledge on making poi. Making fish hooks games. Etcetera etcetera etcetera. Post the The original capital of Hawaii. This is our kingdoms ground, ALII grounds. My ALII saying foreigners do bad the land. We need to take lahaina back to our kingdom. This is a win win,.. not us listen, You listen. Leave lahaina alone,.. Hawaiians need to give back Maui his Land,. Our kingdoms Land.**