
A BILL FOR AN ACT

RELATING TO FOOD SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to part XXXII to be
3 appropriately designated and to read as follows:

4 "§321-_____ Tainted food for humans and pets; detection

5 and handling procedures. (a) The department of health shall

6 establish procedures to accept reports from a person who has

7 reason to believe that any food product:

8 (1) Introduced into or in interstate commerce; or

9 (2) Held for sale after shipment in interstate commerce,

10 may be tainted with harmful bacteria or other organisms that

11 have the potential to create a serious public health risk to

12 humans or other pet animals, as defined in section 711-1100,

13 that consume the food product.

14 (b) Upon receiving a report of tainted food products, the

15 department of health shall perform a thorough investigation and

16 upon finding that any food products are a significant public

17 health risk, the department of health shall notify

18 manufacturers, importers, distributors, or retailers of the



1 food, as the department of health finds necessary, to take
2 appropriate action, including:

3 (1) Stopping distribution;
4 (2) Notifying all persons to which the food has been
5 distributed, transported, or sold, of the department
6 of health's findings and recommended actions;
7 (3) Recalling the food; or
8 (4) Taking any combination of the measures described in
9 this paragraph, as determined by the department of
10 health to be appropriate to address the situation.

11 (c) Any person that violates the notification and recall
12 standards established by the department of health under
13 subsection (b) may be assessed a penalty by the department of
14 health of not more than \$10,000 as determined by the department
15 of health for each separate act and separate day during which
16 the violation continues. The penalty shall be assessed by the
17 department of health by a written order that shall specify the
18 amount of the penalty and the basis for the penalty.

19 (d) All penalties collected pursuant to subsection (c)
20 shall be deposited into the State treasury.

21 (e) The director of health shall be responsible for the
22 implementation and administration of this section and shall



1 adopt rules, in conformity with chapter 91, necessary for the
2 purposes of this section."

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2008-2009 for
6 establishing procedures and administering a program to ensure
7 food safety to people and pet animals in the State of Hawaii.

8 The sum appropriated shall be expended by the department of
9 health for the purposes of this Act.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2008.

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Report Title:

Food Safety; People and Pets

Description:

Establishes State policies on dealing with tainted foods that are processed for consumption by humans and pet animals.

