

JAN 20 2010

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# A BILL FOR AN ACT

RELATING TO FORCE FEEDING.

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

1           SECTION 1. Foie gras in French literally translates to  
2 "fat liver"; however, it refers to the enlarged, fattened liver  
3 of a goose or duck. The liver of the goose or duck becomes  
4 enlarged due to excessive feeding and lack of exercise. In  
5 order to enlarge the liver, farmers use a method of force  
6 feeding, where a metal tube or pipe is inserted into the bird's  
7 throat while the food is introduced. The process is designed to  
8 mimic how birds gorge themselves prior to migration; however, a  
9 force feeding pipe can puncture a bird's throat, sometimes  
10 causing the bird to bleed to death. The mortality rate of the  
11 birds during the force feeding period is six times greater than  
12 during breeding, due also in part to the numerous side effects  
13 of having an enlarged liver, such as diarrhea, bone  
14 demineralization, and other digestive diseases.

15           Only two companies in the United States produce foie gras,  
16 one in California and one in New York. In 2004, California  
17 adopted a ban on the production and sale of foie gras that is



1 produced using the method of force feeding. The ban will take  
2 effect in 2012. The measure narrowly applies to foie gras  
3 produced using the method of force feeding, and the president of  
4 the only foie gras producer in California has publicly stated  
5 that his farm will find a humane method of producing foie gras  
6 prior to the ban taking effect.

7 The legislature finds that the practice of force feeding  
8 ducks and geese for foie gras is an excessively cruel practice  
9 and determines that foie gras sold in Hawaii should be produced  
10 using humane methods.

11 SECTION 2. Chapter 161, Hawaii Revised Statutes, is  
12 amended by adding a new part to be appropriately designated and  
13 to read as follows:

14 **"PART . FORCE FEEDING PRODUCTS PROHIBITED**

15 **§161- Definitions.** For the purposes of this part:

16 "Bird" includes a duck or goose.

17 "Force feeding" means a process that causes the bird to  
18 consume more food than a typical bird of the same species would  
19 consume voluntarily. Force feeding methods include delivering  
20 feed through a tube or other device inserted into the bird's  
21 esophagus.



1           **§161- Force feeding products; prohibition; penalties.**

2     (a) A product shall not be sold or distributed in the State if  
3     it is the result of force feeding a bird for the purpose of  
4     enlarging the bird's liver beyond normal size.

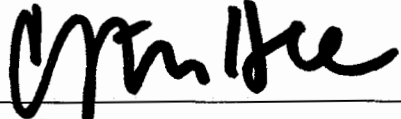


5           (b) Any person who violates this part or any rule adopted  
6     by the department pursuant to this part shall be fined not more  
7     than \$10,000 for each separate offense. Each date of violation  
8     shall constitute a separate offense. Any action taken to impose  
9     or collect the penalty provided for in this subsection shall be  
10    considered a civil action.

11           (c) The department may adopt rules pursuant to chapter 91  
12    necessary for the purposes of this part."

13           SECTION 3. This Act does not affect rights and duties that  
14    matured, penalties that were incurred, and proceedings that were  
15    begun before its effective date.

16           SECTION 4. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:   
  




**Report Title:**

Sale and Distribution of Foie Gras; Prohibition

**Description:**

Prohibits the sale and distribution of foie gras produced using the method of force feeding.

