

JAN 21 2011

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# A BILL FOR AN ACT.

RELATING TO POULTRY.

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

1           SECTION 1. Chapter 161, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§161- Force feeding a bird. (a) It shall be unlawful  
5 for a person to force feed a bird, or hire another person to  
6 force feed any bird, for the purpose of enlarging the bird's  
7 liver beyond normal size.

8           (b) For purposes of this section:

9           (1) "Bird" includes a duck or goose; and

10           (2) "Force feeding a bird" means a process that causes the  
11 bird to consume more food than a typical bird of the  
12 same species would consume voluntarily by means that  
13 include delivering food through a tube or other device  
14 inserted into the bird's esophagus.

15           (c) Each time an individual bird is force fed shall  
16 constitute a separate violation.

17           (d) Force feeding a bird is a misdemeanor."



1 SECTION 2. Chapter 328, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§328- Sale of products from force fed birds. (a) It  
5 shall be unlawful for any person to sell, offer for sale, trade,  
6 or distribute a product that is the result of force feeding a  
7 bird.

8 (b) Prior to July 1, 2012, any restaurant holding a valid  
9 certificate, permit, or license issued by the department of  
10 health under section 321-11 may sell, offer for sale, trade, or  
11 distribute a product that is the result of force feeding a bird  
12 and prepared for consumption, if possessed by that restaurant as  
13 of July 1, 2011.

14 (c) Notwithstanding section 328-30, any person violating  
15 this section or any rule adopted pursuant to this section shall  
16 be penalized as follows:

17 (1) For a first offense, by an administrative fine of not  
18 more than \$100;

19 (2) For a second offense, by an administrative fine of not  
20 more than \$500; and



1        (3) For a third or subsequent offense, by an  
 2                    administrative fine of not more than \$1,000 or by  
 3                    imprisonment of not more than one year, or both.

4        (d) The department may adopt rules pursuant to chapter 91  
 5 necessary for the purposes of this section.

6        (e) For the purpose of this section:

7        (1) "Bird" includes a duck or goose; and

8        (2) "Force feeding a bird" means a process that causes the  
 9                    bird to consume more food than a typical bird of the  
 10                   same species would consume voluntarily by means that  
 11                   include delivering food through a tube or other device  
 12                   inserted into the bird's esophagus for the purpose of  
 13                   enlarging the bird's liver beyond normal size."

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

17        SECTION 4. New statutory material is underscored.

18        SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Force Feeding Birds; Sale of Force Fed Birds; Prohibition

**Description:**

Prohibits force feeding a bird for the purpose of enlarging the bird's liver beyond normal size. Prohibits the sale or distribution of products from force fed birds. Permits restaurants to sell such products by 7/1/12 if possessed by 7/01/11.

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