

STAND. COM. REP. NO. 994

Honolulu, Hawaii

March 18, 2011

RE: S.B. No. 101
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 101, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this bill is to preserve the availability of poi prepared through customary and traditional Hawaiian cultural food-preparation practices by exempting an individual producer of hand-pounded poi from state food-safety laws when selling directly to consumers as long as the producer abides by specified conditions.

The Office of Hawaiian Affairs, Hawaii Fathers-4-Justice, Na Wa'a Hanakahi Education and Culture Organization, Sustainable UH, and numerous concerned individuals supported this bill. The Department of Health (DOH) offered comments.

After careful consideration, your Committee has amended this bill by:

- (1) Establishing the DOH exemptions for hand-pounded poi in Chapter 321, Hawaii Revised Statutes;
- (2) Authorizing DOH to issue a cease-and-desist notice to terminate any distribution or sale of a hand-pounded poi product if it receives complaints relating to concerns

SB101 HD1 HSCR HAW HMS 2011-3132



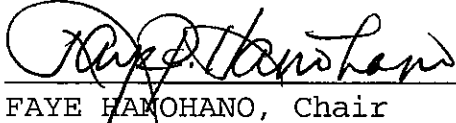
about public health, particularly complaints about food-borne illnesses;

- (3) Modifying the consumer-advisory statement on hand-pounded poi products;
- (4) Removing the following labeling requirements for hand-pounded poi products:
 - (A) The net weight of the hand-pounded poi; and
 - (B) The date on which the hand-pounded poi was produced;
- (5) Allowing poi kept at ambient temperatures to be served or offered for sale in a ready-to-eat form upon the request or with the knowledge of the consumer;
- (6) No longer requiring producers of hand-pounded poi to abide by community best practices; and
- (7) Adding definitions for, among other things, "hand-pounded poi", "papa ku'i 'ai" (poi-pounding board), and "pōhaku ku'i 'ai" (poi-pounding stone).

Your Committee notes that DOH suggested that the goal of this bill might be better addressed by amending the Hawaii Administrative Rules rather than statutory law.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 101, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 101, S.D. 1, H.D. 1, and be referred to the Committee on Health.

Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,



FAYE HAMOHANO, Chair



