

STAND. COM. REP. NO. 1429

Honolulu, Hawaii

April 6, 2011

RE: S.B. No. 101
S.D. 1
H.D. 2

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 101, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this bill is to allow the production of hand-pounded poi without certification or permitting by the Department of Health (DOH) under certain circumstances and the sale of the product in ready-to-eat form on request or with the knowledge of the consumer.

The Office of Hawaiian Affairs; the Sierra Club, Hawai'i Chapter; Kamananui, LLC; Meleanas Farm; Hawai'i SEED; Kipahulu 'Ohana; Legalize Pa'i 'Ai 'Ohana; Hawai'i Wildlife Fund; Aha Hi o Hawai'i William S. Richardson Hawaiian Law Students Organization; Ama; Ohana Domingo; and numerous concerned individuals supported this measure. The Department of Health supported the intent of this bill. Several concerned individuals opposed this measure. Several concerned individuals offered comments.

After further consideration and concluding that DOH is better equipped to provide the circumstances under which this product should be prepared or sold, your Committee amended this bill by retaining the requirements that the producer of hand-pounded poi must:

SB101 HD2 HSCR CPC HMS 2011-3385



- (1) Sell the product directly to consumers; and
- (2) Prepare it adjacent to hand-washing facilities.

However, your Committee removed:

- (1) The requirements that the producer of hand-pounded poi:
 - (A) Must attend a food-safety class; and
 - (B) Label each batch of hand-pounded poi with certain information;
- (2) The provision allowing naturally fermenting poi kept at an ambient temperature to be served or offered for sale in a ready-to-eat form upon the request or with the knowledge of the consumer; and
- (3) The provision authorizing DOH to issue a cease-and-desist notice to terminate the distribution or sale of the hand-pounded poi product in question if DOH receives complaints relating to concerns about public health, particularly complaints about food-borne illnesses.

In addition, your Committee mandated the Department to adopt rules on the sale and production of hand-pounded poi.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 101, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 101, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



