

STAND. COM. REP. NO.

1494

Honolulu, Hawaii

April 8, 2011

RE: S.B. No. 1086
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. 1086, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER INFORMATION,"

begs leave to report as follows:

The purpose of this bill is to require grocers and wholesale clubs to identify baked goods that have been previously frozen and are being offered for sale in a thawed state by displaying this information at the primary location where the baked goods are sold and in a sufficiently prominent manner.

The International Brotherhood of Electrical Workers, Local Union 1260; the Hawaii State AFL-CIO; Aloha Air Cargo; Hawaii Ports Maritime Council members unions; ILWU; United Public Workers; Foodservice Alliance, LLC; and numerous individuals supported this measure. The Hawaii Alliance for Retired Americans and the Hawaii State Teachers Association supported the intent of this bill. Numerous individuals testified that this bill is not necessary but that if it passes they would support the House Draft 1. Numerous individuals supported expanding consumer information but preferred the Senate Draft 1. The Department of Health, the Hawaii Laborers' Union, the Grocery Manufacturers Association, Safeway, Times Supermarket, Ocean View Store, United General Bakery, Takata Store, Standard Bakery, Fresh Start Bakeries, Kaimomi Distribution Molokai, Gold Coast Baking Company, and numerous concerned individuals opposed this measure.

SB1086 HD2 HSCR CPC HMS 2011-3614



Your Committee has amended this bill by:

- (1) Prohibiting the use of the term "now fresh bread" instead of simply "fresh bread" to represent, advertise, label, or market baked goods that have been frozen prior to retail sale to the consumer;
- (2) Establishing a prohibition on the sale of baked bread that has been previously frozen and is being offered for sale in a thawed state without being properly identified as such beginning on September 1, 2011;
- (3) Clarifying that the prohibition contained in paragraph (2) applies to bread that is baked in an oven or other heating device prior to being frozen;
- (4) Establishing a prohibition on the sale of baked goods that have been previously frozen and are being offered for sale in a thawed state without being properly identified as such beginning on September 1, 2013;
- (5) Clarifying that the prohibition contained in paragraph (4) applies to baked goods that are baked in an oven or other heating device prior to being frozen;
- (6) Providing that a grocer or wholesale club will be deemed to be in compliance with the prohibition on the sale of previously frozen baked bread or baked goods if the grocer or wholesale club relies on a listing from a supplier that identifies and names all previously frozen baked bread or baked goods provided by the supplier;
- (7) Adding a definition for "baked goods";
- (8) Changing its effective date to upon its approval; and
- (9) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 1086, 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. 1086, S.D. 1, H.D. 2.



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



ROBERT N. HERKES, Chair



