
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The importance of agriculture to the State is
2 reflected in the Hawaii state constitution, article XI, section
3 3. Agriculture not only provides food and other basic needs to
4 society, but has also proven to be an economic engine supporting
5 the State. Agriculture provides the basis for increased self
6 sufficiency, which is important to an island state.

7 Increased globalization and changes in food management have
8 introduced new risks in the food supply system. Risks occur at
9 all levels of food production and management, and are not
10 inherent to any one type of operation. The 2011 Colorado
11 cantaloupe foodborne illness incident demonstrated that
12 individual incidents are far reaching, impacting the entire
13 industry and related industries within the locale. New risks
14 constantly arise, such as the emergence of the rat lungworm
15 nematode on the island of Hawaii. When consumed, the rat
16 lungworm nematode can cause serious illness, which has happened
17 several times during the past few years. Recent cases of
18 foodborne illnesses illustrate the need to understand the



1 innumerable details involved in food production and to implement
2 practices that result in food safety.

3 The agricultural industry has recognized that there are
4 practices that if done correctly, can result in good stewardship
5 of the land, increased worker safety, and ultimately lead to
6 safe products for the consumer. These practices, known as
7 generally accepted agricultural management practices or good
8 agricultural practices, are written to provide uniform,
9 statewide standards and acceptable management practices based on
10 science. These practices can assist producers in the various
11 sectors of the industry in improving their own agricultural
12 managerial routines. The generally accepted agricultural
13 management practices are reviewed annually and revised as new
14 scientific discoveries and changing economic conditions require.
15 Generally accepted agricultural management practices or good
16 agricultural practices are recognized by regulatory agencies
17 such as the United States Food and Drug Administration.

18 Livestock generally accepted agricultural management
19 practices provide guidance for ranchers to ensure sound animal
20 welfare practices and promote animal husbandry and care. State
21 adoption and recognition of these standards are critical to



1 allow farmers and ranchers to have access to the widest array of
2 tools to provide agricultural products to the people of Hawaii.

3 The purpose of this Act is to strengthen the agricultural
4 safety and security program of the department of agriculture by,
5 among other things:

6 (1) Requiring the department to adopt generally accepted
7 agricultural and management practices;

8 (2) Authorizing the department to establish a program to
9 audit and certify that producers are following the
10 generally accepted agricultural and management
11 practices; and

12 (3) Establishing the agricultural practices audit and
13 certification revolving fund to establish and maintain
14 the generally accepted agricultural and management
15 practices program.

16 SECTION 2. Chapter 147, Hawaii Revised Statutes, is
17 amended by adding a new section to part VIII to be appropriately
18 designated and to read as follows:

19 **"§147-A Agricultural practices audit and certification**
20 **revolving fund.** (a) There is established the agricultural
21 practices audit and certification revolving fund to be
22 administered by the department.



1 (b) Fees received by the department for audits and
2 certifications under this part shall be deposited into the
3 revolving fund.

4 (c) The proceeds of the revolving fund shall be expended
5 by the department to establish and update generally accepted
6 agricultural and management practices, conduct the audit and
7 certification services of this part, and assist, train, and
8 educate producers to achieve certification.

9 (d) Nothing in this part shall prohibit the legislature
10 from supplementing the operation of this part with funds from
11 outside the revolving fund."

12 SECTION 3. Chapter 147, Hawaii Revised Statutes, is
13 amended by amending its title to read as follows:

14 "CHAPTER 147
15 GRADES ~~[AND]~~, STANDARDS, SAFETY AND SECURITY"

16 SECTION 4. Section 147-101, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§147-101 Certification services revolving fund.** There is
19 established a certification services revolving fund for use by
20 the department of agriculture to support certification or audit
21 services established under parts I, III, IV, [~~VIII,~~] and IX.
22 Moneys in the fund may be expended for materials, salaries,



1 equipment, training, travel, and other costs related to
2 providing certification or audit services. Notwithstanding
3 sections 147-10, 147-34, 147-64, [~~147-114~~] and 147-126, moneys
4 derived from the certification or audit services provided by
5 temporary inspectors employed under this part or from charges
6 for traveling expenses or extraordinary services shall be
7 deposited into the fund."

8 SECTION 5. Section 147-102, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~[+]~~**\$147-102**~~[+]~~ **Certification and audit services.** The
11 department of agriculture shall fix, assess, and collect fees
12 for certification or audit services provided by temporary
13 inspectors employed under this part. The fees shall be in
14 amounts necessary to cover all costs of the administration and
15 provision of the certification or audit services provided under
16 this part; provided that the department of agriculture shall
17 establish charges for traveling expenses and extraordinary
18 services when the performance of the services involves unusual
19 cost. The fees and charges established by the department of
20 agriculture shall not be subject to chapter 91. The department
21 of agriculture may employ temporary inspectors to assist in
22 providing certification or audit services under parts I, III,



1 IV, [~~VIII,~~] and IX, and those temporary inspectors shall be
2 exempt from chapter 76."

3 SECTION 6. Section 147-111, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~[§]147-111[§]~~ **Definitions.** As used in this part, unless
6 the context otherwise requires:

7 "Department" means the department of agriculture.

8 "Generally accepted agricultural and management practices"
9 means the practices adopted by the department in accordance with
10 section 147-112.

11 "Producer" means the same as defined under section 147-1."

12 SECTION 7. Section 147-112, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~[§]147-112[§]—Cooperative agreements and contracts to~~
15 ~~provide] Agricultural safety and security; auditing and~~

16 ~~certification services.~~ (a) The department may [~~enter into~~
17 ~~cooperative agreements with the United States Department of~~
18 ~~Agriculture or other agreements and contracts with private~~
19 ~~parties or other governmental agencies for the purposes of:]
20 establish a program to audit and certify that producers are:~~

21 (1) [~~Auditing and certifying that applicants are following~~
22 ~~good agricultural, handling, processing, and~~



1 ~~manufacturing practices;~~ Following generally accepted
2 agricultural and management practices; and

3 (2) Maintaining food security and ~~[product]~~ traceability.

4 (b) The department shall adopt generally accepted
5 agricultural and management practices as deemed necessary after
6 giving due consideration to available information of the
7 department and written recommendations from the university of
8 Hawaii college of tropical agriculture and human resources and
9 any other governmental or private organization, the input of
10 which is solicited by the department.

11 The department shall adopt the generally accepted
12 agricultural and management practices without necessity of
13 compliance with chapter 91; provided that the department shall
14 hold at least one public hearing in each county before adopting
15 or materially revising the general accepted agricultural and
16 management practices. The determination of whether a proposal
17 requires a public hearing shall rest exclusively with the
18 department.

19 (c) Participation in the program of this part shall be
20 voluntary for producers. The department shall conduct audit and
21 certification services under the program only for producers who



1 apply and pay the relevant fee to and comply with other
2 requirements set by the department.

3 As part of the program, the department shall assist, train,
4 and educate producers in complying with the applicable generally
5 accepted agricultural and management practices.

6 The department shall not require any producer to be subject
7 to audit or certification if the producer has not applied to
8 participate in the program."

9 SECTION 8. Section 147-113, Hawaii Revised Statutes, is
10 amended to read as follows:

11 " ~~[+]§147-113[+]~~ **Audits and certification; [requests**
12 **necessary.] employees, agents, agreements.** (a) The department
13 may designate any employee or agent of the department to conduct
14 the audits and ~~[certification]~~ certifications authorized under
15 this part ~~[at the request of persons having a financial interest~~
16 ~~in the business or product. These audits and certification may~~
17 ~~be requested, but in no case shall be required by the~~
18 ~~department].~~

19 (b) The department also may enter into cooperative
20 agreements with the United States Department of Agriculture or
21 other agreements and contracts with private parties or other



1 governmental agencies to conduct the audits and certifications
2 authorized under this part."

3 SECTION 9. Section 147-114, Hawaii Revised Statutes, is
4 amended to read as follows:

5 " ~~[+]§147-114[+]~~ **Fees and deposit of moneys.** (a) The
6 department shall fix, assess, and collect fees for the audit and
7 certification services provided under this part. The fees shall
8 be as established under cooperative agreement with the United
9 States Department of Agriculture or other governmental agencies
10 or, if not applicable, as established by rule ~~[under section~~
11 ~~147-7.]~~ adopted pursuant to chapter 91. The department may also
12 charge an amount necessary to cover all costs of traveling
13 expenses and extraordinary services when the performance of the
14 services involves unusual cost in their performance.

15 (b) ~~[Except for fees collected by the department pursuant~~
16 ~~to part VII, all]~~ All fees and expenses collected by the
17 department pursuant to this part shall be deposited with the
18 director of finance to the credit of the ~~[general fund.]~~
19 agricultural practices audit and certification revolving fund."

20 SECTION 10. Section 147-115, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~§147-115~~ **Certificate as evidence.** A certificate
2 issued under this part and all certificates issued under the
3 authority of the Congress of the United States relating to
4 matters covered by this part shall be acceptable in any court of
5 this State as prima facie evidence of the status of a business
6 or product at the time of its audit.

7 In addition, for the purpose of chapter 165, a certificate
8 shall indicate that a producer has complied with generally
9 accepted agricultural and management practices since receipt of
10 the certificate."

11 SECTION 11. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 12. This Act shall take effect upon its approval.



Report Title:

Agriculture; Agricultural Safety and Security Program

Description:

Authorizes the Department of Agriculture to establish an Agricultural Safety and Security Program. Requires, under the Program, the Department to conduct audit and certification services that indicate a producer's compliance with generally accepted agricultural and management practices and food security and traceability requirements. Specifies that the Program is voluntary for producers. Requires the charge of fees and expenses. Establishes an Agricultural Practices Audit and Certification Revolving Fund for the Program. (HB1947 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

