
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 III. Agriculture not only provides food and other basic needs
4 to society, but has also proven to be an economic engine
5 supporting the State. Agriculture provides the basis for
6 increased self sufficiency, which is important to an island
7 state.

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



1 foodborne illnesses illustrate the need to understand the
2 innumerable details involved in food production and to implement
3 practices that result in food safety.

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

19 Livestock generally accepted agricultural and management
20 practices provide guidance for ranchers to ensure sound animal
21 welfare practices and promote animal husbandry and care. State
22 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.

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

8 **"§147-A Agricultural practices audit and certification**

9 **revolving fund.** (a) There is established the agricultural
10 practices audit and certification revolving fund under the
11 department.

12 (b) Fees received by the department for audits and
13 certifications under this part shall be deposited into the
14 revolving fund.

15 (c) The proceeds of the revolving fund shall be expended
16 by the department to establish and update generally accepted
17 agricultural and management practices, conduct the audit and
18 certification services of this part, and assist, train, and
19 educate producers to achieve certification.

20 (d) Nothing in this part shall prohibit the legislature
21 from supplementing the operation of this part with funds from
22 outside the revolving fund."



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

3 "CHAPTER 147

4 GRADES [AND], STANDARDS, SAFETY, SECURITY"

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

7 "**§147-101 Certification services revolving fund.** There is
8 established a certification services revolving fund for use by
9 the department of agriculture to support certification or audit
10 services established under parts I, III, IV, [~~VIII~~] and IX.
11 Moneys in the fund may be expended for materials, salaries,
12 equipment, training, travel, and other costs related to
13 providing certification or audit services. Notwithstanding
14 sections 147-10, 147-34, 147-64, [~~147-114~~] and 147-126, moneys
15 derived from the certification or audit services provided by
16 temporary inspectors employed under this part or from charges
17 for traveling expenses or extraordinary services shall be
18 deposited into the fund."

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

21 "~~[§]~~**§147-102**~~[§]~~ **Certification and audit services.** The
22 department of agriculture shall fix, assess, and collect fees



1 for certification or audit services provided by temporary
2 inspectors employed under this part. The fees shall be in
3 amounts necessary to cover all costs of the administration and
4 provision of the certification or audit services provided under
5 this part; provided that the department of agriculture shall
6 establish charges for traveling expenses and extraordinary
7 services when the performance of the services involves unusual
8 cost. The fees and charges established by the department of
9 agriculture shall not be subject to chapter 91. The department
10 of agriculture may employ temporary inspectors to assist in
11 providing certification or audit services under parts I, III,
12 IV, [~~VIII~~] and IX, and those temporary inspectors shall be
13 exempt from chapter 76."

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

16 "[~~§~~§147-111] **Definitions.** As used in this part, unless
17 the context otherwise requires:

18 "Department" means the department of agriculture.

19 "Generally accepted agricultural and management practices"
20 means the practices adopted by the department in accordance with
21 section 147-112.

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



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

3 "~~[§]147-112[§] Cooperative agreements and contracts to~~
4 ~~provide] Agricultural safety and security; auditing and~~
5 ~~certification services.~~ (a) The department ~~[may enter into~~
6 ~~cooperative agreements with the United States Department of~~
7 ~~Agriculture or other agreements and contracts with private~~
8 ~~parties or other governmental agencies for the purposes of:]~~
9 shall establish a program to audit and certify that producers
10 are:

11 (1) ~~[Auditing and certifying that applicants are following~~
12 ~~good agricultural, handling, processing, and~~
13 ~~manufacturing practices;]~~ Following generally accepted
14 agricultural and management practices; and

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

16 (b) The department shall adopt generally accepted
17 agricultural and management practices as deemed necessary after
18 giving due consideration to available information of the
19 department and written recommendations from the university of
20 Hawaii college of tropical agriculture and human resources and
21 any other governmental or private organization, the input of
22 which is solicited by the department.



1 The department shall adopt the generally accepted
2 agricultural and management practices without necessity of
3 compliance with chapter 91; provided that the department shall
4 hold at least one public hearing in each county before adopting
5 or materially revising the general accepted agricultural and
6 management practices. The determination of whether a proposal
7 requires a public hearing shall rest exclusively with the
8 department.

9 (c) Participation in the program of this part shall be
10 voluntary for producers. The department shall conduct audit and
11 certification services under the program only for producers who
12 apply and pay the relevant fee to and comply with other
13 requirements set by the department.

14 As part of the program, the department shall assist, train,
15 and educate producers in complying with the applicable generally
16 accepted agricultural and management practices.

17 The department shall not require any producer to be subject
18 to audit or certification if the producer has not applied to
19 participate in the program."

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



1 "~~+~~\$147-113~~+~~ **Audits and certification; [requests**
2 **necessary.] employees, agents, agreements.** (a) The department
3 may designate any employee or agent of the department to conduct
4 the audits and ~~[certification]~~ certifications authorized under
5 this part ~~[at the request of persons having a financial interest~~
6 ~~in the business or product. These audits and certification may~~
7 ~~be requested, but in no case shall be required by the~~
8 ~~department].~~

9 (b) The department also may enter into cooperative
10 agreements with the United States Department of Agriculture or
11 other agreements and contracts with private parties or other
12 governmental agencies to conduct the audits and certifications
13 authorized under this part."

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

16 "~~+~~\$147-114~~+~~ **Fees and deposit of moneys.** (a) The
17 department shall fix, assess, and collect fees for the audit and
18 certification services provided under this part. The fees shall
19 be as established under cooperative agreement with the United
20 States Department of Agriculture or other governmental agencies
21 or, if not applicable, as established by rule ~~[under section~~
22 ~~147-7.]~~ promulgated pursuant to chapter 91. The department may



1 also charge an amount necessary to cover all costs of traveling
2 expenses and extraordinary services when the performance of the
3 services involves unusual cost in their performance.

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

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

11 "[~~§~~§147-115[~~§~~] **Certificate as evidence.** A certificate
12 issued under this part and all certificates issued under the
13 authority of the Congress of the United States relating to
14 matters covered by this part shall be acceptable in any court of
15 this State as prima facie evidence of the status of a business
16 or product at the time of its audit.

17 In addition, for the purpose of chapter 165, a certificate
18 shall indicate that a producer has complied with generally
19 accepted agricultural and management practices since receipt of
20 the certificate."



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

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



Report Title:

Agriculture; Agricultural Safety and Security program

Description:

Requires 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.

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

