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# 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 article XI, section 3 of the state constitution.  
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.

14           New risks constantly arise, such as the emergence of the  
15 rat lungworm nematode on the island of Hawaii. When consumed,  
16 the rat lungworm nematode can cause serious illness, which has  
17 occurred several times during the past few years. Recent cases  
18 of 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 performed correctly, can result in good  
5 stewardship of the land, increased worker safety, and ultimately  
6 lead to safe products for the consumer. These practices, known  
7 as generally accepted agricultural and management practices or  
8 good 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 and  
13 management practices are reviewed annually and revised as new  
14 scientific discoveries and changing economic conditions require.  
15 Generally accepted agricultural and management practices or good  
16 agricultural practices are recognized by regulatory agencies  
17 such as the United States Food and Drug Administration.

18       Generally accepted agricultural and management practices  
19 for livestock provide guidance for ranchers to ensure sound  
20 animal welfare practices and promote animal husbandry and care.  
21 State adoption and recognition of these standards are critical  
22 to allow farmers and ranchers to have access to the widest array



1 of tools to provide agricultural products to the people of  
2 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- 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 conducting audits  
2 and 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       SECTION 3. Chapter 147, Hawaii Revised Statutes, is  
10 amended by amending its title to read as follows:

11                               **"CHAPTER 147**

12                               **GRADES [AND], STANDARDS, SAFETY, AND SECURITY"**

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

15       "**§147-101 Certification services revolving fund.** There is  
16 established a certification services revolving fund for use by  
17 the department of agriculture to support certification or audit  
18 services established under parts I, III, IV, [~~VIII,~~] and IX.  
19 Moneys in the fund may be expended for materials, salaries,  
20 equipment, training, travel, and other costs related to  
21 providing certification or audit services. Notwithstanding  
22 sections 147-10, 147-34, 147-64, [~~147-114~~] and 147-126, moneys



1 derived from the certification or audit services provided by  
2 temporary inspectors employed under this part or from charges  
3 for traveling expenses or extraordinary services shall be  
4 deposited into the fund."

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

7 "~~[+]~~**§147-102**~~[+]~~ **Certification and audit services.** The  
8 department of agriculture shall fix, assess, and collect fees  
9 for certification or audit services provided by temporary  
10 inspectors employed under this part. The fees shall be in  
11 amounts necessary to cover all costs of the administration and  
12 provision of the certification or audit services provided under  
13 this part; provided that the department of agriculture shall  
14 establish charges for traveling expenses and extraordinary  
15 services when the performance of the services involves unusual  
16 cost. The fees and charges established by the department of  
17 agriculture shall not be subject to chapter 91. The department  
18 of agriculture may employ temporary inspectors to assist in  
19 providing certification or audit services under parts I, III,  
20 IV, ~~[VIII,]~~ and IX, and those temporary inspectors shall be  
21 exempt from chapter 76."



1 SECTION 6. Section 147-111, Hawaii Revised Statutes, is  
2 amended by adding two new definitions to be appropriately  
3 inserted to read as follows:

4 "Generally accepted agricultural and management practices"  
5 means the practices adopted by the department in accordance with  
6 section 147-112.

7 "Producer" has the same meaning as defined in section 147-  
8 1."

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

11 "~~[§147-112]—Cooperative agreements and contracts to~~  
12 ~~provide] Agricultural safety and security; auditing and~~  
13 ~~certification services. (a) The department may [enter into~~  
14 ~~cooperative agreements with the United States Department of~~  
15 ~~Agriculture or other agreements and contracts with private~~  
16 ~~parties or other governmental agencies for the purposes of:]~~  
17 establish a program to audit and certify that producers are:

18 (1) ~~[Auditing and certifying that applicants are following~~  
19 ~~good agricultural, handling, processing, and~~  
20 ~~manufacturing practices,]~~ Following generally accepted  
21 agricultural and management practices adopted by the  
22 department pursuant to subsection (b); and



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

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

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

17 (c) Participation in the program under subsection (a)  
18 shall be voluntary for producers. The department shall conduct  
19 audit and certification services under the program only for  
20 producers who apply, pay the relevant fee, and comply with the  
21 requirements set by the department.



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

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

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

9 " ~~[+]§147-113[+]~~ **Audits and certification; [requests**  
10 **necessary.] employees and agents; agreements and contracts. (a)**

11 The department may designate any employee or agent of the  
12 department to conduct the audits and [certification]  
13 certifications authorized under this part ~~[at the request of~~  
14 ~~persons having a financial interest in the business or product.~~  
15 ~~These audits and certification may be requested, but in no case~~  
16 ~~shall be required by the department].~~

17 (b) The department may enter into cooperative agreements  
18 with the United States Department of Agriculture or other  
19 agreements and contracts with private parties or other  
20 governmental agencies to conduct the audits and certifications  
21 authorized under this part."





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

3 " ~~[+]§147-114[+]~~ **Fees and deposit of moneys.** (a) The  
4 department shall fix, assess, and collect fees for the audit and  
5 certification services provided under this part. The fees shall  
6 be as established under cooperative agreement with the United  
7 States Department of Agriculture or other governmental agencies  
8 or, if not applicable, as established by rule ~~[under section~~  
9 ~~147-7.]~~ adopted pursuant to chapter 91. The department may also  
10 charge an amount necessary to cover all costs ~~[of traveling~~  
11 ~~expenses]~~ for travel and extraordinary services when the  
12 performance of the services involves unusual cost in their  
13 performance.

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

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

21 " ~~[+]§147-115[+]~~ **Certificate as evidence.** A certificate  
22 issued under this part and all certificates issued under the



1 authority of the Congress of the United States relating to  
2 matters covered by this part shall be acceptable in any court of  
3 this State as prima facie evidence of the status of a business  
4 or product at the time of its audit.

5 For the purposes of chapter 165, a certificate shall  
6 indicate that a producer has complied with generally accepted  
7 agricultural and management practices since receipt of the  
8 certificate."

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

11 SECTION 12. This Act shall take effect on July 1, 2030.



**Report Title:**

Agriculture; Agricultural Safety and Security Program

**Description:**

Authorizes the Department of Agriculture (DOA) to establish an Agricultural Safety and Security Program. Requires, under the program, DOA to conduct audit and certification services. 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. Effective July 1, 2030. (HB1947 HD2)

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

