

**Testimony to the House Committee on Health
Wednesday, February 5, 2014 at 8:35 A.M.
Conference Room 329, State Capitol**

RE: HOUSE BILL 2309 RELATING TO ADMINISTRATIVE PENALTIES

Chair Belatti, Vice Chair Morikawa, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **opposes** HB 2309 Relating to Administrative Penalties.

The Chamber is the largest business organization in Hawaii, representing over 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber believes that this increase in fines from \$100 to \$10,000 per day is too large and punitive and could cause harm to small businesses.

We respectfully ask that this bill be held in committee. Thank you for the opportunity to testify.



LATE

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Committee on Health

H.B. 2309, RELATING TO ADMINISTRATIVE PENALTIES

**Testimony of Gary L. Gill
Acting Director of Health**

**February 5, 2014
8:35 a.m.**

- 1 **Department's Position:** The department strongly supports bill.
- 2 **Fiscal Implications:** Passage of this measure will have positive impacts to the State's general fund.
- 3 **Purpose and Justification:** The purpose of this bill is to increase administrative penalties for violations
- 4 of chapter 321, HRS from not to exceed \$1,000 for each day of violation to not to exceed \$10,000 for
- 5 each day of violation. This administrative penalty has not been increased in nearly 30 years and
- 6 currently does not have the necessary impact to force violators of departmental rules to rapidly correct
- 7 major violations. HAR governing food establishments are necessary to protect the residents and visitors
- 8 to Hawaii from possibly fatal or debilitating diseases or conditions. In the present economy, a \$1,000
- 9 per day violation does not have the impact needed to force corrections of violations that may lead to
- 10 fatalities, extensive hospitalization, permanent physical damage and undue pain and suffering. Food
- 11 facilities will now open without the necessary inspections and food permits to safe-guard public health
- 12 due to the profits that can easily be made above the existing maximum penalties of \$1,000 per day.
- 13 High-end restaurants that charge over \$100 per meal know they can generate over ten times the daily
- 14 fine when open. The increase in the penalty will provide the DOH the necessary impetus to force food

1 facility owners to avoid violations of the food rules that may directly lead to injurious food borne
2 illnesses.

3 The department has recently completed public hearings on sweeping new food safety regulations
4 based on the most current science to protect public health. The new rule also introduces a highly visible
5 restaurant grading system as well as a move towards a paperless, web-based food safety inspection
6 system. The proposed increase in penalties that this measure provides will bring the decades old
7 enforcement tool up to date with the most current food safety regulations.

8 Thank you for the opportunity to testify.

morikawa2-Joanna

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 11:32 AM
To: HLTtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB2309 on Feb 5, 2014 08:35AM*



HB2309

Submitted on: 2/4/2014

Testimony for HLT on Feb 5, 2014 08:35AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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