

JAN 17 2014

A BILL FOR AN ACT

RELATING TO FOOD PREPARATION.

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

1 SECTION 1. The legislature finds that food safety and the
2 protection of the public are objectives that are of the utmost
3 importance to the people of this State. Furthermore, the
4 equitable, just, and efficient distribution of food to those
5 people who are in the greatest need is just as equally important
6 to the people of this State.

7 The legislature further finds that these objectives are not
8 mutually exclusive. Food can be prepared in a safe manner
9 utilizing the kitchens, barbeques, and traditional cultural
10 techniques throughout the State and provided to struggling
11 individuals and families.

12 The legislature also finds that the cost of living in
13 Hawaii is currently rated among the highest in the nation,
14 including the average cost of rent, electricity, and food.

15 The legislature further finds that the shared values of the
16 residents of Hawaii are deeply rooted in community and
17 assistance for the common good, and that regulations governing



1 charitable activities should be structured to encourage people's
2 desire to pursue charitable practices.

3 In addition, the legislature finds that commercial
4 activities are, in many circumstances, similar to charitable
5 activities but with dissimilar intent. Thus, commercial
6 activities and charitable activities should be regulated in a
7 dissimilar manner. Precedent in separating commercial and
8 noncommercial activities has been set in many diverse areas of
9 law, from the regulation of commercial fish catches versus home
10 consumption, to the licensing of commercial vehicles in a
11 different manner from personal vehicles.

12 The purpose of this Act is to:

- 13 (1) Establish definitions to separate commercial and
14 charitable, noncommercial activities involving the
15 preparation of food; and
16 (2) Develop food safety education requirements for persons
17 or agencies preparing and serving food for charitable,
18 noncommercial purposes.

19 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read:



1 "§321- Preparation of food for noncommercial, charitable
2 purposes. Persons or entities preparing food for public
3 consumption shall not be required to prepare food in a
4 commercial kitchen facility certified by the Department of
5 Health if the following requirements are met:

6 (1) The person or entity is preparing and serving food for
7 bona fide charitable purposes as defined in section
8 328-1;

9 (2) The person or entity is preparing and serving food for
10 noncommercial purposes as defined in section 328-1;
11 and

12 (3) All persons with direct contact with food in the raw
13 or prepared state have had no less than two hours of
14 food safety and handling training, to the extent
15 necessary given their duties and the extent of food
16 preparation, provided by the department of health
17 sanitation branch."

18 SECTION 3. Section 328-1, Hawaii Revised Statutes, is
19 amended by adding two new definitions to be appropriately
20 inserted and to read:

21 "Charitable purposes" means any purpose that is the direct
22 action of an individual, or nonprofit organization as defined by

1 the Internal Revenue Service, acting solely for the benefit of
2 the intended recipients and without the receipt, exchange, or
3 future or past expectation of goods or services, compensation,
4 or other consideration.

5 "Noncommercial purposes" means purposes that are not
6 regularly carried out for compensation or other consideration;
7 that are not to test, promote, or market any future commercial
8 enterprise; and for purposes which the person or agency is not
9 required to hold a commercial license or other certification to
10 regularly provide."

11 SECTION 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

13

INTRODUCED BY: Shzanne Chun Oakland
JLM



S.B. NO. 2381

Report Title:

Noncommercial Food Preparation; Charitable Purposes

Description:

Exempts the preparation of food for charitable, noncommercial purposes from certain department of health food safety requirements if certain conditions are met.

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

