

MAR 07 2014

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO PROVIDE FOOD SAFETY WORKSHOPS OR CLASSES FOR ALL PERSONS WITH TEMPORARY FOOD ESTABLISHMENT PERMITS, PROVIDE COPIES OF ITS FOOD SAFETY ADMINISTRATIVE RULES TO CONSUMERS AND INTERESTED STAKEHOLDERS, AND CONVENE A COTTAGE FOOD BUSINESS WORKING GROUP COMPOSED OF REPRESENTATIVES FROM THE DEPARTMENT AND THE COTTAGE FOOD INDUSTRY.

1 WHEREAS, in recent years, as the local food movement has
2 become more popular, more states have added or improved their
3 cottage food laws to allow home food businesses to exist
4 legally; and

5
6 WHEREAS, cottage food laws are different in every state,
7 but each law allows home food sales in some way; and more than
8 thirty states have laws or regulations permitting direct to
9 consumer sales of non-potentially hazardous foods prepared in a
10 home kitchen; and

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12 WHEREAS, in Hawaii, temporary food establishment permits
13 issued by the Department of Health for cottage food businesses
14 are invaluable for local entrepreneurship and the establishment
15 of a local, sustainable food industry, which contributes to a
16 thriving local economy; and

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18 WHEREAS, temporary food establishment permits make it
19 possible to vend products produced in a home kitchen directly to
20 consumers at bake sales, food swaps, farm stands, or farmers'
21 markets; and

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23 WHEREAS, temporary food establishment permits issued by the
24 Department of Health restrict a vendor to doing business for no
25 more than twenty days in any one hundred twenty-day period,
26 after which time another permit must be acquired; and
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1 WHEREAS, although this reapplication process may be
2 appropriate in some circumstances, it precludes cottage food
3 operators from growing their cottage food business; furthermore,
4 all foods originating from home kitchens are considered to be
5 unapproved sources for permitted food establishments within the
6 State; and
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8 WHEREAS, a permitting process that would not force vendors
9 engaged in the direct sale of cottage foods to consumers to
10 reapply every one hundred twenty days would be beneficial to the
11 growth of the cottage food business in Hawaii; and
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13 WHEREAS, California's Homemade Food Act permits cottage
14 food operators to use and sell food from home kitchens, which
15 means cottage food operators no longer have to rent out
16 expensive space from commercial kitchens; and
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18 WHEREAS, since the passage of California's Homemade Food
19 Act, there has been no increase in reported cases of food-borne
20 illness that can be attributed to non-hazardous foods produced
21 in a home kitchen; and
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23 WHEREAS, authorizing home kitchens for a temporary food
24 establishment permit would also be beneficial to the growth of
25 the cottage food business in Hawaii; and
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27 WHEREAS, additionally, food safety workshops or classes
28 available on all islands would be beneficial to home cooks who
29 wish to grow their cottage food businesses; and
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31 WHEREAS, on February 13, 2014, the Department of Health
32 adopted title 11, chapter 50, Hawaii Administrative Rules,
33 relating to the Food Safety Code, but these rules require
34 further discussion, as they do not address food safety workshops
35 or classes or longer time periods for temporary food
36 establishment permits and associated costs, which could in turn
37 affect the growth of the cottage food industry in Hawaii; now,
38 therefore,
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40 BE IT RESOLVED by the Senate of the Twenty-seventh
41 Legislature of the State of Hawaii, Regular Session of 2014, the
42 House of Representatives concurring, that the Department of
43 Health is requested to provide food safety workshops or classes



1 for all persons who have temporary food establishment permits
2 approved by the Department; and
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4 BE IT FURTHER RESOLVED that the food safety workshops or
5 classes should be offered on all islands where persons with
6 active temporary food establishment permits reside; and
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8 BE IT FURTHER RESOLVED that the Department of Health is
9 requested to provide copies of title 11, chapter 50, Hawaii
10 Administrative Rules, relating to the Food Safety Code, to
11 consumers and interested cottage food industry stakeholders to
12 educate consumers and stakeholders about the contents of these
13 newly adopted rules; and
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15 BE IT FURTHER RESOLVED that the Department of Health is
16 also requested to convene a cottage food business working group
17 composed of representatives from the Department of Health and
18 the cottage food industry; and
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20 BE IT FURTHER RESOLVED that the cottage food business
21 working group is requested to examine title 11, chapter 50,
22 Hawaii Administrative Rules, relating to the Food Safety Code,
23 to consider the following:
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- 25 (1) What restrictions, if any, these rules may place on
26 the cottage food industry in Hawaii;
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- 28 (2) Issues relating to the permitting process, including a
29 permit that would not require vendors engaged in
30 direct sales to consumers to reapply every one hundred
31 twenty days or pay any associated permitting fees;
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- 33 (3) Potentially authorizing home kitchens to be an
34 approved source for a temporary food establishment
35 permit;
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- 37 (4) The parameters associated with the volume of food
38 allowed to be sold by persons holding temporary food
39 establishment permits; and
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- 41 (5) Any other potential issues associated with growing the
42 cottage food industry in Hawaii; and
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1 BE IT FURTHER RESOLVED that the Department of Health is
 2 requested to submit a report of the working group's findings,
 3 recommendations, and any proposed legislation to the Legislature
 4 no later than twenty days prior to the convening of the Regular
 5 Session of 2015; and

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 7 BE IT FURTHER RESOLVED that a certified copy of this
 8 Concurrent Resolution be transmitted to the Director of Health.
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