
SENATE CONCURRENT RESOLUTION

REQUESTING THE CONVENING OF A COTTAGE FOOD BUSINESS WORKING
GROUP COMPRISING REPRESENTATIVES FROM THE DEPARTMENT OF
HEALTH 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

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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 30 states have laws or regulations permitting direct-to-consumer
9 sales of non-potentially hazardous foods prepared in a home
10 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 20 days in any 120-day period, after which time
26 another permit must be acquired; and

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28 WHEREAS, although this reapplication process may be
29 appropriate in some circumstances, it precludes cottage food
30 operators from growing their cottage food business; furthermore,
31 all foods originating from home kitchens are considered to be



1 unapproved sources for permitted food establishments within the
2 State; and

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4 WHEREAS, a permitting process that would not force vendors
5 engaged in the direct sale of cottage foods to consumers to
6 reapply every 120 days would be beneficial to the growth of the
7 cottage food business in Hawaii; and

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9 WHEREAS, California's Homemade Food Act permits cottage
10 food operators to use and sell food from home kitchens, which
11 means cottage food operators no longer have to rent out
12 expensive space from commercial kitchens; and

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14 WHEREAS, since the passage of California's Homemade Food
15 Act, there has been no increase in reported cases of food-borne
16 illness that can be attributed to non-hazardous foods produced
17 in a home kitchen; and

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19 WHEREAS, authorizing home kitchens for a temporary food
20 establishment permit would also be beneficial to the growth of
21 the cottage food business in Hawaii; now, therefore,

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23 BE IT RESOLVED by the Senate of the Twenty-seventh
24 Legislature of the State of Hawaii, Regular Session of 2014, the
25 House of Representatives concurring, that the Ulupono Initiative
26 and/or the Local Food Coalition is requested to convene a
27 cottage food business working group comprising representatives
28 from the Department of Health and the cottage food industry; and

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30 BE IT FURTHER RESOLVED that the cottage food business
31 working group is requested to examine title 11, chapter 50,
32 Hawaii Administrative Rules, relating to the Food Safety Code,
33 to consider the following:

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35 (1) What restrictions, if any, these rules may place on
36 the cottage food industry in Hawaii;

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38 (2) Issues relating to the permitting process, including a
39 permit that would not require vendors engaged in
40 direct sales to consumers to reapply every one hundred
41 twenty days or pay any associated permitting fees;



- 1 (3) Potentially authorizing home kitchens to be an
- 2 approved source for a temporary food establishment
- 3 permit;
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- 5 (4) The parameters associated with the volume of food
- 6 allowed to be sold by persons holding temporary food
- 7 establishment permits; and
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- 9 (5) Any other potential issues associated with growing the
- 10 cottage food industry in Hawaii; and
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12 BE IT FURTHER RESOLVED that the Ulupono Initiative and/or

13 the Local Food Coalition is requested to submit a report of the

14 working group's findings, recommendations, and any proposed

15 legislation to the Legislature no later than 20 days prior to

16 the convening of the Regular Session of 2015; and

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18 BE IT FURTHER RESOLVED that certified copies of this

19 Concurrent Resolution be transmitted to the Director of Health,

20 the general partner of the Ulupono Initiative, and the members

21 of the Local Food Coalition.

