

MAR 07 2014

SENATE 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
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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 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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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 one hundred twenty days would be beneficial to the
7 growth of the 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; and

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23 WHEREAS, additionally, food safety workshops or classes
24 available on all islands would be beneficial to home cooks who
25 wish to grow their cottage food businesses; and

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27 WHEREAS, on February 13, 2014, the Department of Health
28 adopted title 11, chapter 50, Hawaii Administrative Rules,
29 relating to the Food Safety Code, but these rules require
30 further discussion, as they do not address food safety workshops
31 or classes or longer time periods for temporary food
32 establishment permits and associated costs, which could in turn
33 affect the growth of the cottage food industry in Hawaii; now,
34 therefore,

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36 BE IT RESOLVED by the Senate of the Twenty-seventh
37 Legislature of the State of Hawaii, Regular Session of 2014,
38 that the Department of Health is requested to provide food
39 safety workshops or classes for all persons who have temporary
40 food establishment permits approved by the Department; and

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42 BE IT FURTHER RESOLVED that the food safety workshops or
43 classes should be offered on all islands where persons with
44 active temporary food establishment permits reside; and



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2 BE IT FURTHER RESOLVED that the Department of Health is
3 requested to provide copies of title 11, chapter 50, Hawaii
4 Administrative Rules, relating to the Food Safety Code, to
5 consumers and interested cottage food industry stakeholders to
6 educate consumers and stakeholders about the contents of these
7 newly adopted rules; and

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9 BE IT FURTHER RESOLVED that the Department of Health is
10 also requested to convene a cottage food business working group
11 composed of representatives from the Department of Health and
12 the cottage food industry; and

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14 BE IT FURTHER RESOLVED that the cottage food business
15 working group is requested to examine title 11, chapter 50,
16 Hawaii Administrative Rules, relating to the Food Safety Code,
17 to consider the following:

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19 (1) What restrictions, if any, these rules may place on
20 the cottage food industry in Hawaii;
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22 (2) Issues relating to the permitting process, including a
23 permit that would not require vendors engaged in
24 direct sales to consumers to reapply every one hundred
25 twenty days or pay any associated permitting fees;
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27 (3) Potentially authorizing home kitchens to be an
28 approved source for a temporary food establishment
29 permit;
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31 (4) The parameters associated with the volume of food
32 allowed to be sold by persons holding temporary food
33 establishment permits; and
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35 (5) Any other potential issues associated with growing the
36 cottage food industry in Hawaii; and

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38 BE IT FURTHER RESOLVED that the Department of Health is
39 requested to submit a report of the working group's findings,
40 recommendations, and any proposed legislation to the Legislature
41 no later than twenty days prior to the convening of the Regular
42 Session of 2015; and

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1 BE IT FURTHER RESOLVED that a certified copy of this
 2 Resolution be transmitted to the Director of Health.
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OFFERED BY:

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