
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 141, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "~~§141-~~ Fees; food safety certification activities;
5 **prohibited.** (a) Notwithstanding any other law to the contrary,
6 the department of agriculture shall not charge an agricultural
7 producer for the department's costs of conducting any and all
8 food safety certification activities under title 11.

9 (b) For the purposes of this section, the term
10 "agricultural producer" shall have the same meaning as in
11 section 155-5.6(d)."

12 SECTION 2. Section 141-12, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~{}~~§141-12~~{}~~ **Agricultural food safety certification**
15 **program.** (a) There is established within the department of
16 agriculture an agricultural food safety certification program.
17 The program shall:



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- 1 (1) Develop and implement a certification system that
2 shall at a minimum comply with the requirements of the
3 FDA Food Safety Modernization Act;
- 4 (2) Support the agricultural industry and assist farmers
5 and ranchers subject to the requirements of the FDA
6 Food Safety Modernization Act by developing and
7 implementing a food safety certification program that
8 will concurrently satisfy the requirements of the
9 department of agriculture and the FDA Food Safety
10 Modernization Act;
- 11 (3) Conduct research into alternative, less burdensome
12 methods by which Hawaii's farmers and ranchers can
13 satisfy the requirements of the FDA Food Safety
14 Modernization Act;
- 15 (4) Establish an education program, including online
16 classes, that addresses compliance with state and
17 federal food safety requirements for farmers and
18 ranchers;
- 19 (5) Serve as an information clearinghouse for all matters
20 related to the FDA Food Safety Modernization Act and
21 any other food safety laws; and



1 (6) Undertake activities to improve and sustain the safety
2 of agricultural foods and other functions as may be
3 assigned by law.

4 (b) The chairperson of the board of agriculture may
5 employ:

6 (1) One program manager and one specialist, who are
7 qualified to apply the provisions and requirements of
8 the FDA Food Safety Modernization Act to the program;
9 and

10 (2) One clerical staff person.

11 (c) The program shall not charge any farmer or rancher for
12 the department's costs of conducting any agricultural food
13 safety certification activities.

14 [~~(e)~~] (d) For purposes of this section, "agricultural
15 food" includes food that is applicable to farmers and ranchers
16 under the FDA Food Safety Modernization Act."

17 SECTION 3. Section 159-32, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "~~§~~**§159-32**~~§~~ **Reimbursement for inspection.** The
20 department may perform inspection of meat and meat products
21 derived from exotic animals when requested by persons desiring



1 ~~[such]~~ an inspection. Persons requesting and receiving
2 inspection service under this part shall ~~[reimburse]~~ not be
3 charged by the State for ~~[all]~~ the costs incurred by the State
4 in the provision of the service. ~~[All such reimbursements shall~~
5 ~~be deposited into the general fund.]"~~

6 SECTION 4. Section 159-46, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§159-46 Inspection; overtime compensation.** (a) All
9 animals slaughtered by any slaughterhouse duly licensed under
10 this part shall be inspected by an inspector duly authorized by
11 the department, both before and after slaughtering, and no
12 animal shall be slaughtered, or after slaughter, be sold,
13 transported, offered for sale or transportation, or received for
14 transportation in commerce unless the slaughtering thereof or
15 the use thereof in commerce, after slaughtering, is approved by
16 an inspector.

17 (b) The management of any processing establishment~~[r]~~ or
18 slaughterhouse, or the owner of any animal to be slaughtered
19 requiring the services of an inspector in excess of eight
20 consecutive hours on any workday, or in excess of forty hours in
21 any workweek, or on legal holidays, shall ~~[pay]~~ not be liable to



1 the department for overtime inspection services [~~the current~~
2 ~~state overtime rate for each hour of work performed by the~~
3 ~~inspector~~].

4 (c) The department shall pay the inspector for all
5 overtime inspection services performed; provided that the party
6 requesting or requiring the overtime inspection services shall,
7 sufficiently in advance of the overtime period, arrange with the
8 department for the services."

9 SECTION 5. Section 161-41, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§161-41 Inspection; compensation.** (a) All poultry
12 slaughtered by any slaughterhouse licensed under this part shall
13 be inspected by inspectors authorized by the department, both
14 before and after slaughtering, and no poultry shall be
15 slaughtered, or after slaughter, be sold, transported, offered
16 for sale or transportation, or received for transportation, in
17 intrastate commerce unless the slaughtering or the use after
18 slaughtering in intrastate commerce is approved by an inspector.

19 (b) The management of any processing establishment or
20 slaughterhouse, or the owner of any poultry to be slaughtered
21 requiring the services of an inspector in excess of eight



1 consecutive hours on any workday, or in excess of forty hours in
 2 any workweek, or on legal holidays, shall [~~pay~~] not be liable to
 3 the department for any overtime inspection services [~~the current~~
 4 ~~state overtime rate for each hour of work performed by the~~
 5 ~~inspector~~].

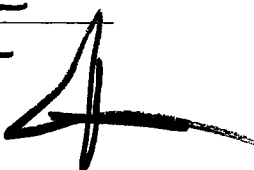
6 (c) The department shall pay the inspector, or inspectors,
 7 for all overtime inspection services performed[~~7~~]; provided that
 8 the party requesting or requiring the overtime inspection
 9 services shall, sufficiently in advance of the overtime period,
 10 arrange with the department for the services."

11 SECTION 6. This Act does not affect rights and duties that
 12 matured, penalties that were incurred, and proceedings that were
 13 begun before its effective date.

14 SECTION 7. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 8. This Act shall take effect upon its approval.

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~~to~~
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H.B. NO. 455

Report Title:

DOA; Fees; Food Safety Certification Activities

Description:

Prohibits the DOA from charging agricultural producers for the costs of food safety certification activities conducted by the department.

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