



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB1924**

**RELATING TO HEALTH**

**REPRESENTATIVE JOHN M. MIZUNO, CHAIR**  
**HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES**

Hearing Date: January 25, 2018

Room Number: 329

1 **Fiscal Implications:** Undetermined staffing capacity and resources required to implement the  
2 measure. Implementation would include the creation or enhancement of a section to enforce  
3 nutritional labeling, staffing, office space, equipment, training, and additional expenditures. The  
4 cost of support has not been quantified.

5 **Department Testimony:** The Department appreciates the concept of HB1924, however the  
6 Food and Drug Administration (FDA) issued the final menu labeling rule for both restaurants  
7 and similar retail food establishments and vending machines on December 1, 2014, thus the  
8 request for the Department to adopt administrative rules may be preempted by the current federal  
9 rules.

10 The FDA nutrition labeling rule is effective December 1, 2015 with a compliance date of  
11 May 7, 2018, and applies to “restaurant-type food”. The covered retail establishments that have  
12 been defined as serving “restaurant type food” include bakeries, cafeterias, coffee shops,  
13 convenience stores, delicatessens, food service facilities located within entertainment venues,  
14 food service vendors, food take-out and/or delivery establishments, grocery stores, retail  
15 confectionery stores, superstores, quick service restaurants, and table service restaurants that are  
16 part of a chain with 20 or more locations. The Department looks forward to supporting and  
17 encouraging restaurants and vending machine operators to implement the final FDA menu  
18 labeling rules. The final FDA rules can be found at the following web-address:

19 [https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingN](https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm515020.htm)  
20 [utrition/ucm515020.htm](https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm515020.htm) .

1           The Department is promoting increasing healthy and convenient food options with  
2 various retail and health service sectors in our communities through the [Choose Healthy Now](#)  
3 project. Over 145 stores and snack shops and three hospitals are participating with the project so  
4 healthy foods are easily identified by the signage and Choose Healthy Now brand. The  
5 participating locations include state snack shops, KTA, 7-Eleven, Aloha Island Mart, The  
6 Queen’s Medical Center, Castle Medical Center, and Kauai Wilcox Medical Center. Food items  
7 and beverages under the label meet the Department of Health nutrition standards. This  
8 partnership with retailers has resulted in locations offering more healthy food and beverage  
9 choices.

10           Thank you for the opportunity to provide testimony.

11   **Offered Amendments:** None



1050 Bishop St. PMB 235 | Honolulu, HI 96813  
P: 808-533-1292 | e: info@hawaiiifood.com

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TO:  
Committee on Health and Human Services  
Rep. John M. Mizuno, Chair  
Rep. Bertrand Kobayashi, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
Lauren Zirbel, Executive Director

DATE: Thursday, January 25, 2018  
TIME: 9am  
PLACE: Conference Room 329

RE: HB 1924 RELATING TO HEALTH

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

Ensuring that consumers have access to nutritional information about their food is an issue that is already being addressed at the national level. Additional mandates at the state level are redundant and burdensome to businesses, and implementing this type of unnecessary change is costly and can force food businesses to raise prices for consumers.

In less than four months the FDA's Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments goes into effect. Neither the FDA nor the food industry anticipates any further delay with implementation. Many businesses have already complied with the new menu labeling requirements and others are prepared to come into compliance by the May 7, 2018 start date.

One of the main reasons that the implementation of the menu labeling rules was delayed in the past was that the rules were written without sufficient input from the food industry. The original version of the menu labeling rules contained requirements that were unclear and some that were simply impractical to implement. Similarly this state bill has been created without input from the businesses that it will impact.

These businesses are already preparing to provide consumers with nutrition information according the FDA Menu Labeling Guidelines. Creating an additional state mandate with different requirements about how to give consumers the same information does not help consumers make better food choices, and will simply be an unnecessary expense for food businesses. We strongly encourage you to vote no on this measure.

Thank you for the opportunity to testify.



**Tyler Roukema, Chairman** – Outback Steakhouse      **Kelii Gouveia, Incoming Chair** – Hula Grill  
**Hide Sakurai, Vice Chair** – Diamond Dining      **Dirk Koeppenkastrop, Secretary** – Il Gelato  
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To:      Rep. John M. Mizuno, Chair  
          Rep. Bertrand Kobayashi, Vice Chair  
          Members of the Committee on Health & Human Services

From:    Victor Lim, Legislative Chair  
          Hawaii Restaurant Association

Subj:    HB1924 Menu Education and Labeling Act

Date:    January 23, 2018

The Hawaii Restaurant Association would like to recommend that this committee either holds this bill or defer it because this conflicts with what the FDA is doing on Menu Labeling which will be out in time for a May 7, 2018 implementation throughout our country.

New York City tried to implement their menu labeling bill in 2017 and was stopped by the Justice Department and the FDA because the FDA is coming out with their rule the next couple of months that will preempt what states and local governments do.

Many of the major restaurant brands like McDonald's, Wendy's have been providing calorie counts on their menu boards and well have nutrition values on their websites, pamphlets, mobile apps, as well as being available on requests for many years. Everyone with 20 or more locations that sell food will be subject to this new Menu Labeling requirement.

As a member of the National Restaurant Association Board, we have been in close communication with the FDA on this issue and have been told by them that this May 7, 2018 deadline will be met. I am sorry that I couldn't testify in person because I am out of town attending the NRA Board meeting in San Diego.

Thank you very much for allowing us to share our view and please feel free to email or call me at 808-927-4201 if you have any questions.

Aloha.



**HB-1924**

Submitted on: 1/24/2018 3:43:57 AM

Testimony for HHS on 1/25/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE  
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES  
DEMOCRATIC PARTY OF HAWAII  
TO THE COMMITTEE OF HEALTH & HUMAN SERVICES  
HOUSE OF REPRESENTATIVES  
TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2018  
Thursday, January 25, 2018**

9:00 a.m.

Hawaii State Capitol, Conference Room 329

**RE: Testimony in Support of HB 1924, RELATING TO HEALTH; OBESITY; MENU EDUCATION AND LABELING ACT**

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice-Chair and Members of the Committee on Health & Human Services:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No. 1924, relating to Health, Obesity, Menu Education, and Labeling Act. The OCC Legislative Priorities Committee is in favor of House Bill No. 1924 and support its passage.

House Bill No. 1924, is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires a franchise retail food establishment to include

nutritional information about each standard menu item and establishes penalties for any violations thereof.

Specifically, the DPH Platform states, “We support community health initiatives that provide opportunities for the overall health of communities through strategic projects and programs focusing on increased interaction and physical activities among all age groups as well as better nutrition.” The mandatory disclosure of nutritional information of standard menu items of franchise retail food establishments assists in keeping our community aware of better nutrition and will lead to healthier dietary habits.

As provided in HB 1924, two-thirds of adults in the United States are overweight or obese. The rate of obesity has tripled among children and teens since 1980. Obesity increases the risk of diabetes, heart disease, stroke, and other health problems and costs families, businesses, and governments millions of dollars each year. Research continues to reveal a strong link between diet and health. Increased calorie intake is a key contributor to the alarming increase in obesity. Excess saturated fat intake is an of high blood pressure or hypertension, a condition that can lead to cardiovascular problems and strokes. It is estimated that half of the money consumers spend on food goes toward food from restaurants and other food service establishments, which is also where one-third of their calories are consumed. Improving the availability of nutritional information about food from food service establishments will help curb unhealthy food consumption.

Given that House Bill No. 1924 requires a franchise retail food establishment to include nutritional information about each standard menu item, it is the position of the OCC Legislative Committee to support this measure as such information will help curb unhealthy food consumption and will lead to healthier nutritional intake.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com), Tel.: (808) 258-8889