

STAND. COM. REP. NO.

82

Honolulu, Hawaii

February 6, 2019

RE: H.B. No. 675  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred H.B. No. 675 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to encourage the donation of food that would otherwise go to waste by protecting good faith food donors from civil and criminal liability. More specifically, this measure:

- (1) Requires the Department of Health (DOH), as part of its inspections of food establishments to educate the establishments on the requirements and exceptions to the law regarding the limited liability for donating food products, including publishing and distributing explanatory materials related thereto;
- (2) Requires that the donor donates the food directly or for use or distribution to needy persons by government entities, in addition to other organizations;
- (3) Specifically provides that the government entity is not relieved from its duties to inspect donated foods and the handling thereof; and

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- (4) Specifically provides that the protection from liability applies to:
- (A) Donated foods that has exceeded the labeled shelf life date recommended by the manufacturer; and
  - (B) Donated farm products, including where the needy person is directly involved in the harvest of the donated food;

provided that the donation is made in good faith to needy persons and the donor reasonably believes that the food is fit for human consumption.

The O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and Hawaii Food Industry Association supported this measure. The DOH and Hawaii Association for Justice submitted comments.

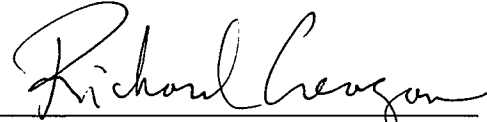
Your Committee has amended this measure by changing its effective date to July 31, 2150, to encourage further discussion.

Your Committee notes that DOH expressed concerns regarding the appropriateness of its staff rendering legal advice to food establishments on the subject of food donation liability protection. However, DOH has no objections to having its inspection staff provide a form memorandum to food establishments with information on food safety, including a discussion of the various phrases used by food manufacturers to indicate the date when a food product should be consumed, whether that date is a safety date or a date that impacts flavor or quality, and a discussion of infant formula and fluid milk that have particular safety concerns.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 675, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 675, H.D. 1, and be referred to your Committee on Health.



Respectfully submitted on  
behalf of the members of the  
Committee on Agriculture,



RICHARD P. CREAGAN, Chair



