

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 854
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 854, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FOOD DONATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Include education about food donation liability in the health inspection process for food establishments; and
- (2) Exempt from liability the donation of perishable or nonperishable food from institutions that comply with commercial food safety requirements, if a good faith donor or distributor believes the food is fit for human consumption.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association, Down to Earth, and Aloha Harvest. Your Committee received comments on this measure from Kōkua Hawai'i Foundation.

Your Committee finds that more than ten percent of Hawaii residents are food insecure and receive food assistance through nonprofit organizations and government programs. Your Committee further finds more than twenty-five percent of food grown in or



transported to Hawaii is thrown away, which amounts to approximately \$1 billion in annual food waste. Nationwide, one hundred thirty-three billion pounds of food are wasted per year. Food is also the single largest source of municipal waste, while food production is a direct contributor to local and global climate change. Your Committee finds these two problems are linked and that providing security and encouragement to food establishments may help ensure that food is not wasted while Hawaii residents go hungry.

Your Committee understands that food establishments have raised concerns about liability stemming from donated food. This measure is intended to clarify that institutions that meet commercial food safety requirements are not liable for civil damages and criminal penalties for food donations made in good faith. Your Committee believes this measure will result in increased food security for Hawaii families, while helping to lower greenhouse gas emissions and reduce strain on Hawaii's waste disposal system.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 854, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 854, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



