

STAND. COM. REP. NO.

412

Honolulu, Hawaii

February 14, 2019

RE: H.B. No. 869  
H.D. 1

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

Sir:

Your Committees on Agriculture and Health, to which was referred H.B. No. 869 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

beg leave to report as follows:

The purpose of this measure is to increase food safety by enacting produce safety laws that authorize Department of Agriculture (DOA) inspectors to inspect and regulate farms producing food in Hawaii for purposes of compliance with federal laws regarding growing, harvesting, packing, and holding produce for human consumption. Specifically, this measure, among other things:

- (1) Permits access to covered farms by DOA for purposes of determining whether violations have occurred;
- (2) Authorizes DOA to seize, condemn, destroy, or require the destruction of covered produce found to be in violation;
- (3) Establishes a judicial process to condemn or destroy covered produce;
- (4) Establishes civil penalties for violations;



- (5) Provides for its repeal upon the repeal of federal Food and Drug Administration rules on Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption or July 1, 2022, whichever occurs sooner; and
- (6) Provides for the repeal of this measure if the federal government declines to provide funding for the implementation of the federal provisions embodied in this measure.

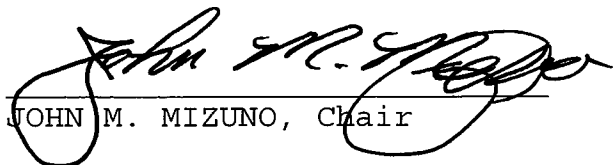
The O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and Farm Maui LLC supported this measure. DOA submitted comments on this measure.

Your Committees have amended this measure by:

- (1) Authorizing, rather than mandating, the Board of Agriculture to adopt rules to carry out the purposes of the Produce Safety Program;
- (2) Changing its effective date to July 1, 2150; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Agriculture and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 869, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 869, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committees on Agriculture and  
Health,

  
JOHN M. MIZUNO, Chair

  
RICHARD P. CREAGAN, Chair





State of Hawaii  
House of Representatives  
The THIRTIETH Legislature

HSCR412

**Record of Votes of the Committee on Health**

Bill/Resolution No.: <b>HB 869</b>	Committee Referral: <b>AGR/HLT, FIN</b>	Date: <b>2-6-19</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) / <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. KOBAYASHI, Bertrand (VC)	/			
3. BELATTI, Della Au	/			
4. NAKAMURA, Nadine K.				/
5. SAN BUENAVENTURA, Joy A.	/			
6. SAY, Calvin K.Y.	/			
7. TOKIOKA, James Kunane	/			
8. WARD, Gene	/			
<b>TOTAL (8)</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> _____ <i>BJ Kepi</i>				
<b>Distribution:</b> Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				