

STAND. COM. REP. NO.

1654

Honolulu, Hawaii

APR 07 , 2021

RE: S.B. No. 244
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 244, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to discourage food waste and encourage food donation to needy persons by:

- (1) Expanding liability protections for donors to include donations of perishable or nonperishable food, farm produce, and similar donations made to needy persons by charitable, religious, or nonprofit organizations; and
- (2) Authorizing the donation of expired food when the good-faith donor or distributor reasonably believes the food is fit for human consumption.

Your Committee received testimony in support of this measure from Rainbow Family 808, Hawaii Primary Care Association, Down to Earth Organic and Natural, Hawai'i Farm Bureau, Hawai'i Pacific Health, Waianae Coast Comprehensive Health Center, and one individual. Your Committee received comments on this measure from the Department of Health.

2021-2996 SB244 HD1 HSCR HMSO



Your Committee finds that more than ten percent of Hawaii residents are food insecure and receive food assistance through nonprofit organizations and government programs. Due to the COVID-19 pandemic, food insecurity in Hawaii has increased. There are now over 189,000 Supplemental Nutrition Assistance Program recipients in the State. Your Committee further finds that despite this high level of food insecurity, Hawaii businesses and residents discard tons of food waste per year. This measure establishes a standard of liability protection for food donations to encourage the donation of food that would otherwise go to waste.

Your Committee has amended this measure by:

- (1) Deleting language that specified that farm produce included produce where a needy person was directly involved in the harvest of the donated food;
- (2) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 244, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 244, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

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



AARON LING JOHANSON, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <i>SB 244 SD2</i>	Committee Referral: <i>CPC</i>	Date: <i>4/1/21</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <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)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.	✓			
5. HASHEM, Mark J.	✓			
6. KONG, Sam Satoru				✓
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
TOTAL (11)	<i>10</i>	<i>0</i>	<i>0</i>	<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>Lisa Kitagawa</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				