

STAND. COM. REP. NO.

643

Honolulu, Hawaii

MAR 04 2021

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 244, S.D. 1, 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) Expand liability protection for donors to include donations of food and similar donations made to needy persons by organizations; and
- (2) Authorize the donation of expired food when the donor reasonably believes in good faith that the food remains fit for human consumption.

Your Committee received testimony in support of this measure from the Hawaii Primary Care Association, Hawai'i Farm Bureau, Hawai'i Public Health Institute, Hawai'i Pacific Health, and four individuals. Your Committee received testimony in opposition to this measure from the Department of Health.

Your Committee finds that the coronavirus disease 2019 (COVID-19) pandemic has severely threatened the health and welfare of Hawaii residents. With high unemployment rates, entire families are struggling to put food on the table on a consistent basis. The COVID-19 pandemic has further increased the need to



expand and clarify existing law to support food donation programs, while reducing the excessive amounts of food waste in the State, which can overload landfills and create harmful greenhouse gases. This measure helps to remove unnecessary barriers and reduce food insecurity, which has only been exacerbated by the COVID-19 pandemic.

Your Committee notes the concerns raised in the testimony of the Department of Health that the education and promotion of food donation to food establishment owners, managers, or appropriate agents of potential donors is not necessary, as a memorandum concerning donations is already distributed to permitted food establishments as part of the Department's routine inspections. Accordingly, amendments to this measure are necessary to address this concern. Your Committee further notes that it is not a violation of the Department of Health's rules if food establishments choose to donate or distribute wholesome food products beyond their expiration date, as these dates are voluntarily provided by manufacturers to guarantee food quality, and should not be used to determine product safety for purposes of donations.

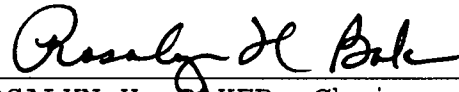
Your Committee has amended this measure by:

- (1) Removing language that would have required the inspection of food establishments to include education of food establishment owners, managers, or appropriate agents of potential donors on reasonable and safe food donation protocols; 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 and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 244, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 244, S.D. 2.



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



ROSALYN H. BAKER, Chair



