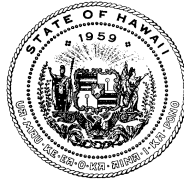


DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

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WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on SB0244 SD2
RELATING TO FOOD DONATION**

REPRESENTATIVE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Hearing Date: 4/1/2021 Room Number: 329 via VIDEO

- 1 **Fiscal Implications:** None
- 2 **Department Testimony:** The Department of Health no longer opposes this bill.
- 3 Amendments to this measure removed language that would have required Food Safety
- 4 Specialists to include education of food establishment owners, managers, or appropriate agents
- 5 of potential donors on reasonable and safe food donation protocol during their inspections of
- 6 food establishments.
- 7 **Offered Amendments:** None
- 8 Thank you for the opportunity to testify on this measure.

SB-244-SD-2

Submitted on: 3/30/2021 3:31:50 PM

Testimony for CPC on 4/1/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch, Sr.	Rainbow Family 808	Support	No

Comments:

Rainbow Family 808 strongly supports SB244. Many times, food that is still good to consume is destroyed due to fear of liability or recent expiration date. Please pass this bill. Thank you.

Mike Golojuch, Sr., Secretary/Board Member, Rainbow Family 808



**Testimony to the House Committee on Consumer Protection and Commerce
Thursday, April 1, 2021; 2:00 p.m.
State Capitol, Conference Room 329
Via Videoconference**

RE: SENATE BILL NO. 0244, SENATE DRAFT 2, RELATING TO FOOD DONATION.

Chair Johanson, Vice Chair Kitagawa, and Members of the Joint Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 0244, Senate Draft 2, RELATING TO FOOD DONATION.

The bill, as received by your Committee, would discourage food waste and encourage food donation to needy recipients by:

- (1) Clarifying and expanding liability protections for good-faith food donors; and
- (2) Allowing the donation of expired food when the donor makes a good-faith judgment that the food is unspoiled.

By way of background, the HPCA represents Hawaii Federally-Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

The COVID-19 pandemic has severely threatened the health and welfare of our citizens, especially Hawaii's underprivileged and rural communities. With so many people unemployed, entire families are struggling to put food on the table on a consistent basis. All one needs to do is visit one of our member FQHC's food distribution events and see the line of cars stretch for miles and people wait for hours to receive some surplus food. It is shocking yet uplifting to see that people do care for their fellow citizens.

Testimony on Senate Bill No. 0244, Senate Draft 2
Thursday, April 1, 2021; 2:00 p.m.
Page 2

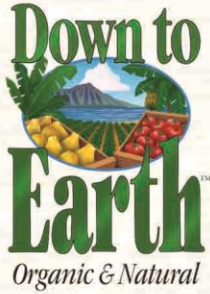
The COVID-19 pandemic has greatly exacerbated the need for a program like this. As a network of nonprofits, FQHCs already are provided limited immunity from liability resulting from the distribution of donated food. What this bill will do is clarify and extend immunity to businesses and organizations that donate food to nonprofit organizations such as FQHCs for distribution to the community at large. Given the desperate need for food in our communities, this bill help go a long way to helping the most needy in our State.

The only way for us to protect ourselves from the next global pandemic is for Hawaii to diversify its economic base and become more self-sufficient.

We urge your favorable consideration of this bill.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiiipca.net.

Love Life!



SB 244 SD2 RELATING TO FOOD DONATIONS
House Committee on Consumer Protection and Commerce
April 1, 2021, 2:00pm State Capitol

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Aloha Rep. Aaron Ling Johanson, Chair, Rep. Lisa Kitagawa, Vice Chair, and
Committee Members,

Down to Earth Organic and Natural testifies in support of SB 244 SD2.

Down to Earth Organic and Natural has six locations on Oahu and Maui. Since we opened in 1977, we have supported healthy lifestyles and preservation of the environment by selling local, fresh, organic and natural products, and by promoting a healthy, plant-based and vegetarian lifestyle.

We are in support of SB 244 SD2, expanding the liability protection for donors to include donations of food and similar donations made directly to needy persons.

Hawaii has been extremely hard hit by business closures, record unemployment, and loss of income leading to greater food insecurity, yet there is approximately 237,000 tons of food wasted per year. With less concerns about liability, food establishments will be encouraged to share in good faith more of the food that is unsold but is still edible, helping those in need in our communities and reducing this unnecessary waste product.

Thank you for the opportunity to comment on this bill.

Alison Riggs
Public Policy & Government Relations Manager
Down to Earth

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April 1, 2021

HEARING BEFORE THE
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TESTIMONY ON SB 244, SD2
RELATING TO FOOD DONATION

Conference Room 329
2:00 PM

Aloha Chair Johanson, Vice-Chair Kitagawa, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau supports SB 244, SD2, which seeks to supply more food to Hawaii residents who are hungry, while reducing the huge amount of food that goes to waste in our State, overloading our landfills, and creating harmful greenhouse gas. Particularly now, when so many have lost their jobs and are unable to afford rent and food for their families, the passage of this bill will help.

We believe that this bill will expand and clarify current laws to make it more likely that food will be donated and not wasted. Our farmers work hard to grow food for their communities and are heartbroken when it goes to waste. Allowing direct donations and expanding the liability protection for food donations will alleviate some concerns that prevent more food donations.

Thank you for the opportunity to provide our support on this measure.

Thursday, April 1, 2021 at 2:00 PM
Via Video Conference

House Committee on Consumer Protection & Commerce

To: Representative Aaron Johanson, Chair
Representative Lisa Kitagawa, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

Re: **Testimony in Support of SB 244, SD2
Relating to Food Donation**

My name is Michael Robinson, and I am the Vice President of Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

HPH writes in **support** of 244 which expands liability protection for donors to include donations of food and similar donations made directly to needy persons, and authorizes the donation of expired food when the donor reasonably believes in good faith that the food remains fit for human consumption.

HPH Recognizes the profound impact of access to food and health and wellness. HPH has prioritizes responding to this need and we are currently engaged in efforts to facilitate food rescue both within our hospital system and with community partners. More than ten per cent of Hawai'i residents, including tens of thousands of children and seniors, are food insecure and receive food assistance through nonprofit organizations and government programs. Despite high levels of food insecurity, Hawai'i businesses and residents discard more than 237,000 tons of food waste per year. Approximately twenty-six per cent of food grown in or imported to Hawai'i is thrown away.

The Bill Emerson Good Samaritan Food Donation Act was passed by the United States Congress in 1996 to protect good-faith food donors from civil and criminal liability and to encourage the donation of food that would otherwise go to waste. Despite these protections, much of the wholesome surplus food in Hawai'i and in other states is discarded instead of donated.

This measure would have a meaningful impact on providing food to those in need and reduce unnecessary waste. Thank you for the opportunity to testify.

**Testimony to the House Committee on Consumer Protection and Commerce
Thursday, April 1, 2021; 2:00 p.m.
State Capitol, Conference Room 329
Via Videoconference**

RE: SENATE BILL NO. 0244, SENATE DRAFT 2, RELATING TO FOOD DONATION.

Chair Johanson, Vice Chair Kitagawa, and Members of the Joint Committee:

My name is Richard Bettini and I am the President & CEO of the Waianae Coast Comprehensive Health Center, a federally qualified health center that services 38,000 patients throughout West O'ahu. The Health Center **SUPPORTS** Senate Bill No. 0244, Senate Draft 2, RELATING TO FOOD DONATION.

Over the past year, COVID-19 has severely impacted rural and underserved communities throughout the State. With literally hundreds of thousands of our citizens out of work because of the COVID pandemic, families are struggling to pay their mortgages or rent, put food on the table, and provide the daily necessities of life.

As a critical partner in the community, the Health Center has done our part to help families. Among other things, we have served as a clearinghouse for the receipt of food donations from local vendors, merchants, and farmers for distribution to patients and citizens throughout our community. We provide prepared meals to keiki and kupuna and hold monthly food distributions.

The threat of possible liability from the donation of recently expired goods has served as a disincentive for local vendors, merchants, and farmers to give as much as they could for this cause. In addition, while general liability insurance provides a limited amount of protection for food drives and other events, the fear of possible liability makes it difficult for these types of efforts to continue.

This bill will provide assurance to nonprofits as well as wholesalers and retailers that participation in these kinds of worthy initiatives will not result in costly litigation or civil penalties should a mistake be made that in good faith was not intended.

Please let us help our citizens in need. Please support this bill.

SB-244-SD-2

Submitted on: 3/30/2021 12:15:20 PM

Testimony for CPC on 4/1/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John D. Smith	Individual	Support	No

Comments:

I support.