



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION on HB1266 HD2
RELATING TO FOOD DONATIONS**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
COMMITTEE ON HEALTH AND HUMAN SERVICES
SENATOR MIKE GABBARD, CHAIR

COMMITTEE ON AGRICULTURE AND THE ENVIRONMENT

Hearing Date: 3/20/2023

Room Number: Rm 224

1 **Fiscal Implications:** This measure has substantial fiscal implications which are not identified in
2 the Governor's Executive Budget Request for the Department of Health's (Department)
3 appropriations and personnel priorities.

4 **Department Testimony:** The Department opposes this measure because Hawaii Administrative
5 Rules (HAR) Title 11, Chapter 50, Food Safety Code does not allow wild game meat as an
6 approved source of food unless it is under an inspection program by the animal health
7 jurisdiction in the State, which would be the State Department of Agriculture or the United States
8 Department of Agriculture.

9 In order to ensure that any game meat is free of any disease that may or may not be transmitted
10 to humans, and that the meat is wholesome and fit for human consumption,

11 HAR Section 11-50-31(g) provides that: Game animals. If game animals are received for
12 sale or service they shall be:

13 (1) Commercially raised for food and:

14 (A) Raised, slaughtered, and processed under a voluntary inspection program
15 that is conducted by the agency that has animal health jurisdiction; or

16 (B) Under a routine inspection program conducted by a regulatory agency
17 other than the agency that has animal health jurisdiction; and

18 (C) Raised, slaughtered, and processed according to:

- 1 (i) Laws governing meat and poultry as determined by the agency that
2 has animal health jurisdiction and the agency that conducts the
3 inspection program; and
- 4 (ii) Requirements which are developed by the agency that has animal
5 health jurisdiction and the agency that conducts the inspection
6 program with consideration of factors such as the need for
7 antemortem and postmortem examination by an approved
8 veterinarian or veterinarian's designee;
- 9 (2) Under a voluntary inspection program administered by the USDA for game
10 animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or
11 bison) that are "inspected and approved" in accordance with 9 CFR 352, entitled
12 "Exotic animals and horses; voluntary inspection" or rabbits that are "inspected
13 and certified" in accordance with 9 CFR 354, entitled "Voluntary inspection of
14 rabbits and edible products thereof";
- 15 (3) As allowed by law, for wild game animals that are live caught:
- 16 (A) Under a routine inspection program conducted by a regulatory agency
17 such as the agency that has animal health jurisdiction; and
- 18 (B) Slaughtered and processed according to:
- 19 (i) Laws governing meat and poultry as determined by the agency that
20 has animal health jurisdiction and the agency that conducts the
21 inspection program; and
- 22 (ii) Requirements which are developed by the agency that has animal
23 health jurisdiction and the agency that conducts the inspection
24 program with consideration of factors such as the need for
25 antemortem and postmortem examination by an approved
26 veterinarian or veterinarian's designee; or
- 27 (4) As allowed by law, for field-dressed wild game animals under a routine
28 inspection program that ensures the animals:

- 1 (A) Receive a postmortem examination by an approved veterinarian or
2 veterinarian's designee; or
3 (B) Are field-dressed and transported according to requirements specified by
4 the agency that has animal health jurisdiction and the agency that conducts
5 the inspection program; and
6 (C) Are processed according to laws governing meat and poultry as
7 determined by the agency that has animal health jurisdiction and the
8 agency that conducts the inspection program.

9 Thank you for the opportunity to testify

10 **Offered Amendments:** None

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES
AND
AGRICULTURE AND ENVIRONMENT

MARCH 20, 2023
1:30 P.M.
CONFERENCE ROOM 224

HOUSE BILL NO.1266, HD2
RELATING TO FOOD DONATION

Chairpersons Buenaventura and Gabbard and Members of the Committees:

Thank you for the opportunity to testify on House Bill 1266 HD2. The bill amends Sections 145D-1 and 145D-2, Hawaii Revised Statutes to add wild game as a food product; and adds the donation of wild game as an exception to liability; provided that the good-faith donor or distributor reasonably believes that the food is fit for human consumption. The Department understands the intent to utilize wild game as a donated food source and provides comment.

House Bill 1266 HD2 excludes wild game from requirements of being prepared and packaged in a facility meeting all relevant food safety guidelines, certifications, and requirements and has passed all food safety inspections. The Department will defer to the Department of Health regarding food safety, but questions if the risk created is acceptable.

Thank you for the opportunity to testify on this measure.





MAUI COUNTY FARM BUREAU

PO Box 148, Kula, HI 96790
mauicountyfarmbureau.org

TESTIMONY

COMMITTEE ON AGRICULTURE AND
ENVIRONMENT

COMMITTEE ON HEALTH AND HUMAN SERVICES

March 20, 2023

1:30 PM

Conference Room 224

HB 1266 HD2

RELATING TO FOOD DONATIONS

Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Committees:

Maui County Farm Bureau (MCFB) appreciates this opportunity to testify on this important issue. MCFB is a general agriculture advocacy organization representing farm and ranch families and organizations on the island of Maui.

MCFB STRONGLY SUPPORTS HB1266 HD2 seeking to amend the Hawaii Good Samaritan law to include wild game.

Wild game provides an inexpensive source of protein for the needy. States across the country have been updating their Good Samaritan laws to include wild game as an authorized donation. A recent article from Illinois demonstrates the potential of a Deer Donation program to assist SNAP and other programs for the needy. <https://chronicleillinois.com/news/mclean-county-news/deer-donation-program-provides-nearly-25000-meals-across-12-counties/>

Long term sustainable solution to our feral animal problem lies in a comprehensive plan involving various government and private parties. It requires cooperation. Along with hunting rules, slaughter and processing capacity, and working with NGOs, this is one step of a process to address our increasing feral animal problem. MCFB respectfully requests your support of this measure.

Thank you for this opportunity to provide our opinion on this matter. Please contact Warren Watanabe at 8082819718 if there are any questions.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 20, 2023

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

**TESTIMONY ON HB 1266, HD2
RELATING TO FOOD DONATIONS**

Conference Room 224 & Videoconference
1:30 PM

Aloha Chairs Gabbard and San Buenaventura, Vice-Chairs Richards and Aquino, and Members of the Committees:

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

The Hawai'i Farm Bureau supports HB 1266, HD2, which allows wild game to be donated as food.

Across the State, various invasive species are creating havoc in agriculture as well as the ecosystems in which they exist. Maui County's Axis Deer population is a good example of nature getting out of control with populations exploding due to abundant forage following rainfall events. They continue to destroy crops and pasture lands by devouring any living vegetation as they continue to spread. Feral pigs damage crops by consuming them or by their rooting and trampling of crops. They will eat almost any crop. Feral pigs damage pasture grasses, killing desired plant species and often encouraging the growth of undesired weed species. They can also devastate orchards by consuming fruit, citrus, and nuts and their rooting can severely damage, or even kill saplings, shrubs, and vines directly or by facilitating the spread of soil-based fungal diseases. Feral pigs can also break irrigation lines, rip or tear nets, drying racks, and other agricultural structures and equipment.

These and other feral populations can pose a danger, especially as populations grow and their health is put into jeopardy due to inadequate food. Diseases that they normally tolerate will become serious debilitating illnesses that could put our domestic livestock industry in jeopardy. Such fears are not unreasonable, as incidences such as bovine tuberculosis spread from feral pigs have been documented in Molokai.

Hawai'i's farmers and ranchers are working to provide Hawai'i with an increased level of self-sufficiency, but will not be able to do so if their products are consumed or damaged by feral animals. Axis Deer, feral pigs, and other invasive species can cause major damage to property, agriculture (crops and livestock), Hawai'i's native species and ecosystems, and Hawai'i's cultural and historic resources. They can also threaten the health of people, wildlife, pets, and other domestic animals. As Hawai'i's feral animal populations continue to expand, these damages, costs, and risks will only keep rising

Current state law specifically prohibits the inclusion of meats as a donation. Wild game can be a significant source of protein for Hawai'i's residents in need. Wild game can provide a beneficial outlet for meat harvested from invasive species and provide a tool for long-term sustainable invasive management for Axis Deer and Feral Pigs.

Several states have amended their Good Samaritan laws to use as a tool for invasive white-tail deer management programs. Wild game meat donated under this provision does not need to undergo antemortem inspection requirements as long as stated conditions are met. Conditions for donations can be specified to allow the donation of this important protein source for our neighbors in need. Utah is the most recent state that passed such a measure and can be used as a model for Hawai'i.

Thank you for the opportunity to testify on this measure.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEES ON
HEALTH AND HUMAN SERVICES and AGRICULTURE AND ENVIRONMENT
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 224
MONDAY, MARCH 20, 2023 AT 1:30 P.M.**

To The Honorable Senator Joy A. San Buenaventura, Chair
The Honorable Senator Henry J.C. Aquino, Vice Chair
Members of the committee on Health and Human Services
To The Honorable Senator Mike Gabbard, Chair
The Honorable Senator Herbert M. "Tim" Richards, III, Vice Chair
Members of the Committee on Agriculture and Environment

SUPPORT FOR HB1266 HD2 RELATING TO FOOD DONATIONS

The Maui Chamber of Commerce **supports HB1266 HD2** which allows wild game to be donated as food.

The Chamber would like to point out that axis deer, an invasive species that poses a continuing threat to Hawaii's environment, could provide significant quantities of meat as a protein source for nonprofit food distribution services, such as the State's network of food banks and Feed My Sheep, Inc. of Maui County. However, there is a gap between the hunters and the retailers and nonprofit services because the meat, currently, is not allowed to be donated. For meat donation, other states such as Wisconsin and Michigan offer models that Hawaii can assess to develop processes for plan implementation and program funding, including licensing fees and other funding sources managed by wildlife agencies or nonprofits.

This bill will be one of a few major tools in controlling the over-population of Axis deer on all islands.

For these reasons, we **support HB1266 HD2**.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Herbert M. "Tim" Richards, III, Vice Chair

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

HB1266 HD2

RELATING TO FOOD DONATIONS

Monday, March 20, 2023, 1:30 PM

Conference Room 224 & Videoconference

Chairs Gabbard and San Buenaventura, Vice Chairs Richards and Aquino, and Members of the Committees,

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawaii Cattlemen's Council **supports HB1266 HD2** which allows wild game to be donated as food.

Allowing for the donation of wild game to under-resourced communities allows us to feed these communities high quality sources of protein, while also creating an outlet for efforts to remove invasive species such as deer, goat, sheep, and pigs from the environment. Unmanaged ungulates damage our ecosystems and cause detriment to farming and ranching operations. Expanding access to meat processing will help us to meet both environmental and social needs.

We appreciate the opportunity to testify on this measure.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director





HAWAI'I FOREST INDUSTRY ASSOCIATION (HFIA)

P. O. Box 66 ❖ 'O'ōkala, HI
96774 Phone: 808-933-9411
Email: hfia@hawaiiiforest.org
Website: www.hawaiiiforest.org

Date: 03/18/2023

TO: AEN Chair Gabbard, Vice Chair Richards, HHS Chair San Buenaventura, HHS Vice Chair Aquino, AEN and HHS Committee Members

FROM: The Hawai'i Forest Industry Association (HFIA)

SUBJECT: In Support of HB1266 HD2 Relating to Food Donations

Dear Chair Gabbard, Chair San Buenaventura and Committee Members,

On behalf of the Directors and members of the Hawai'i Forest Industry Association (HFIA), please support HB1266 HD2 Relating to Meat Donation.

Since 1989 HFIA has worked towards actualizing healthy and productive forests across the state of Hawaii. We believe that properly managing and utilizing game resources from forested lands plays an important role in revitalizing Hawai'i's Forests.

Expanding the opportunities to harvest, process and distribute wild game meat poses an opportunity to remove some of the burden ungulates have on our forest lands, all while feeding Hawai'i's families and those in need.

Please support HB1266 HD2.

Mahalo for your time and consideration,

Guy Cellier, Acting President

Hawaii Forest Industry Association

Established in 1989, HFIA's is a nonprofit organization founded by people committed to sustainable forest management. HFIA's mission is to promote healthy and productive forests and a sustainable forest industry through management, education, planning, information exchange, and advocacy. HFIA has over 130 members including woodworkers, landowners, sawyers, foundations, foresters, growers, educators, environmentalists, architects, millers, ranchers, and others interested in HFIA's mission and goals.

HFIA Board of Directors

Officers: Acting President/Vice-President Guy Cellier, Secretary Peter D. Simmons, Treasurer Wade Lee
Directors: Thomas Calhoun, Jeremy Campbell, Aaron Hammer, Nickolas Koch, Tai Lake, Michael Sowards, Irene Sprecher, Michael Tam, Jorma Winkler, Ron Wolfe, Aileen Yeh



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Kaipō Kekona
State President

Anabella Bruch
Vice-President

Maureen Datta
Secretary

Reba Lopez
Treasurer

Chapter Presidents

Madeline Ross
Kohala, Hawai'i

Odysseus Yacalis
East Hawai'i

Puna, Hawai'i

Andrea Drayer
Ka'u, Hawai'i

Chantal Chung
Kona, Hawai'i

Fawn Helekahi-Burns
Hana, Maui

Reba Lopez
Haleakala, Maui

Kaiea Medeiros
Mauna Kahalawai,
Maui

Kaipō Kekona
Lahaina, Maui

Rufina Kaauwai
Molokai

Negus Manna
Lāna'i

Brynn Foster
North Shore, O'ahu

Christian Zuckerman
Wai'anae, O'ahu

Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Gabbard, Vice Chair Richards, and Members of the Senate Agriculture and Environment Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB1266.**

This bill would provide a valuable source of protein to food banks and other charitable organizations, while also addressing the growing problem of invasive species in Hawaii. Wild pigs and deer, which are common sources of wild game, have become a major problem for farmers in Hawaii. These animals can cause significant damage to crops and infrastructure. This damage not only negatively impacts farmers' income but also leads to production fluctuation that can lead to inconsistent marketing and supply for consumers. Allowing wild game to be donated as food through HB1266 would provide a positive solution for both farmers and the environment.

The Hawaii Farmers Union United supports HB1266 as a means to manage the population of feral pigs and axis deer and to help mitigate their negative impact on Hawaii's agriculture industry. By allowing wild game to be donated as food, this otherwise often wasted resource can benefit those in need while reducing the number of destructive animals on the land.

Mahalo for the opportunity to testify.

Kaipō Kekona, President HFUU/HFUF

HB-1266-HD-2

Submitted on: 3/16/2023 4:05:24 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Support	Written Testimony Only

Comments:

Yes!

HB-1266-HD-2

Submitted on: 3/17/2023 12:13:45 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Randy Cabral	Individual	Support	Written Testimony Only

Comments:

Strong support

HB-1266-HD-2

Submitted on: 3/17/2023 8:11:05 PM

Testimony for AEN on 3/20/2023 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Frederick M. Mencher	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and San Buenaventura, Vice-Chairs Richards and Aquino, and Members of the Committees:

I support HB 1266, HD2, which allows wild game to be donated as food.

Across the State, various invasive species are creating havoc in agriculture as well as the ecosystems in which they exist. Maui County’s Axis Deer population is a good example of nature getting out of control with populations exploding due to abundant forage following rainfall events. They continue to destroy crops and pasture lands by devouring any living vegetation as they continue to spread. Feral pigs damage crops by consuming them or by their rooting and trampling of crops. They will eat almost any crop. Feral pigs damage pasture grasses, killing desired plant species and often encouraging the growth of undesired weed species. They can also devastate orchards by consuming fruit, citrus, and nuts and their rooting can severely damage, or even kill saplings, shrubs, and vines directly or by facilitating the spread of soil-based fungal diseases. Feral pigs can also break irrigation lines, rip or tear nets, drying racks, and other agricultural structures and equipment.

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Current state law specifically prohibits the inclusion of meats as a donation. Wild game can be a significant source of protein for Hawai‘i’s residents in need. Wild game can provide a beneficial outlet for meat harvested from invasive species and provide a tool for long-term sustainable invasive management for Axis Deer and Feral Pigs.

Several states have amended their Good Samaritan laws to use as a tool for invasive white-tail deer management programs. Wild game meat donated under this provision does not need to undergo antemortem inspection requirements as long as stated conditions are met. Conditions for donations can be specified to allow the donation of this important protein source for our neighbors in need. Utah is the most recent state that passed such a measure and can be used as a model for Hawai'i.

Thank you for the opportunity to testify on this measure.

Sincerely,

Frederick M. Mencher

HB-1266-HD-2

Submitted on: 3/18/2023 10:08:26 AM

Testimony for AEN on 3/20/2023 1:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Jari S.K. Sugano	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Gabbard and San Buenaventura, Vice-Chairs Richards and Aquino, and Members of the Committees:

My name is Jari Sugano and I am the Oahu County Administrator at CTAHR. I served as an Extension Agent for 20 years. My personal testimony is below for your consideration.

I support HB 1266, HD2, which allows wild game to be donated as food.

Current state law specifically prohibits the inclusion of meats as a donation. Wild game can be a significant source of protein for Hawai'i's residents in need. Wild game can provide a beneficial outlet for meat harvested from invasive species and provide a tool for long-term sustainable invasive management for Axis Deer and Feral Pigs.

Several states have amended their Good Samaritan laws to use as a tool for invasive white-tail deer management programs. Wild game meat donated under this provision does not need to undergo antemortem inspection requirements as long as stated conditions are met. Conditions for donations can be specified to allow the donation of this important protein source for our neighbors in need. Utah is the most recent state that passed such a measure and can be used as a model for Hawai'i.

Thank you for the opportunity to testify on this measure.