



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.C.R. NO. 163 AND S.R. NO. 137, REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO CONDUCT A STUDY TO DETERMINE THE EFFECTIVENESS OF EXISTING STATE LAWS IN ADDRESSING THE FALSE LABELING OF HAWAII-MADE FOOD PRODUCTS.

BEFORE THE:

SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION AND ON JUDICIARY

DATE: Friday, March 22, 2024

TIME: 9:32 a.m.

LOCATION: State Capitol, Room 229 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Travis T. Moon or Bryan C. Yee, Deputy Attorneys General

Chairs Keohokalole and Rhoads and Members of the Committees:

The Department of the Attorney General (Department) opposes these resolutions as written and requests that all references to the Department be deleted.

The resolutions request the Department to conduct a study to determine the effectiveness of existing state laws in addressing the false labeling of Hawaii-made food products. The requested study would be due to the Legislature no later than twenty days prior to the convening of the Regular Session of 2025.

To adequately address the Legislature's request, the proposed study would require extensive data gathering, surveys, research, and analysis of economic and statistical data. For example, to address the issue of whether existing state law adequately protects local food producers would require, in part, data gathering and analysis of the economic impact that the current penalty structure and cost of litigation has on businesses that falsely label goods. The Department also anticipates the potential need to conduct a survey of local food producers to understand the costs and benefits received under the current regulatory scheme and the total economic impact false labeling has on their businesses.

The anticipated utilization of economic and statistical data gathering, and analysis goes beyond the purview of the Department. The Department also lacks the necessary resources to complete such a comprehensive study on this multifaceted issue.

The Department suggests that the Legislative Reference Bureau (LRB) may be uniquely qualified to complete this type of study as the stated role of the LRB is, in part, to provide impartial policy and legal research to the Legislature.

Therefore, we respectfully request that all references to the Department be removed from the resolutions and replaced with references to the LRB.

Thank you for the opportunity to testify on these resolutions.