

ACT 84

H.B. NO. 1851

A Bill for an Act Relating to Feed.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that maintaining the economic viability of the livestock industry in the State is important to the continuation of a healthy agricultural industry in Hawaii. Although feed is one of the largest expense items in the production of livestock in the State, the legislature has little ability to control this rising cost to local livestock producers. The State can, however, control the feed-related costs of feed brand registration and feed inspection fees that either are paid directly by livestock producers or are passed on to them.

The purpose of this Act is to make the feed registration process more efficient and less costly and to allow the board of agriculture to set the inspection fee.

SECTION 2. Section 144-3, Hawaii Revised Statutes, is amended to read as follows:

“§144-3 Registration. (a) Each commercial feed shall be registered before being distributed in this State or imported; provided that custom-mixed feed and toll-milled feed are exempt from registration. The application for registration shall be submitted on forms furnished by the department and[, if the department so requests, shall] also shall be accompanied by a label or other printed matter describing the product. All registrations shall [be effective for one year beginning January 1 and expiring December 31 of each year.] remain in effect until withdrawn in writing by the registrant or cancelled pursuant to this chapter or rules of the department. A registration fee shall be paid to the department for each commercial feed registered. [Each registration may be renewed for one year.] Upon approval by the department a copy of the registration shall be furnished to the applicant. The application shall include the information required by section 144-4(a).

(b) A distributor or importer shall not be required to register any brand of commercial feed which is already registered under this chapter by another person.

(c) [Changes] Minor changes in the guarantee of either chemical or ingredient composition of a registered commercial feed may be permitted[;] as provided in department rules; provided there is satisfactory evidence that the changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

(d) The department may refuse registration of any application not in compliance with this chapter or rules adopted under this chapter and may cancel any registration subsequently found not to be in compliance with this chapter[;] or rules adopted under this chapter; provided that no registration shall be refused or canceled until the registrant [shall have] has been given an opportunity to be heard before the department and to amend the registrant's application in order to comply with the requirements of this chapter."

SECTION 3. Section 144-5, Hawaii Revised Statutes, is amended by amending its title and subsections (a) and (b) to read as follows:

"§144-5 Inspection fees[.] and tonnage reports. (a) There shall be paid to the department for all feeds distributed or imported for use or sale in this State, inspection fees [to reasonably cover the costs of inspecting, sampling, and analyzing feed for the requirements of this chapter and rules adopted pursuant to it;] as established by the rules of the department; provided that the department shall exempt by rule the payment of inspection fees on feed not subject to specific requirements of this chapter[; and provided further that a distributor shall pay an annual registration fee for each brand of feed distributed in individual packages of ten pounds or less, and the distributor of the brand shall not be required to pay the inspection fee on the packages of the brand so registered.] or rules adopted under this chapter. All inspection fees collected shall be deposited with the state director of finance to the credit of the general fund.

(b) Every person, except as hereinafter provided, who distributes or imports for use or sale feed in this State shall:

- (1) File, not later than the last day of January, last day of April, last day of July, and last day of October of each year, quarterly statements, setting forth the number of net tons of feeds distributed or imported in this State during the preceding calendar quarter; and upon filing the statements shall pay the inspection fees. Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a penalty fee in an amount established by rules of the department added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the department from taking other action as provided in this chapter. When more than one person is involved in the distribution or importation of a feed, the person who imports or distributes to the consumer is responsible for reporting the tonnage and paying the inspection fee unless the report and payment have been made by a prior distributor, seller, or exporter of the feed. The forms used for the quarterly statements shall be provided by the department.
- (2) Keep such records as may be necessary or required by rules of the department to indicate accurately the tonnage of feed distributed in this State, and the department shall have the right to examine the records to verify statements of tonnage. Failure to make accurate statement of tonnage or to pay the inspection fee or to comply as provided herein shall constitute sufficient cause for the cancellation of all registrations on file for the distributor[.] and the imposition of administrative penalties."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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SECTION 5. This Act shall take effect upon its approval.

(Approved April 27, 1993.)