

ACT 110

H.B. NO. 3333

A Bill for an Act Relating to Feed.

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

SECTION 1. Section 144-10, Hawaii Revised Statutes, is amended to read as follows:

“§144-10 Rules. (a) The department may adopt [such] rules for feeds as are specifically authorized in this chapter and [such] other reasonable rules as may be necessary for the efficient enforcement of this chapter. In the interest of uniformity, the department shall by rule adopt, unless it determines that they are inconsistent with this chapter or are not appropriate to conditions which exist in this State, the following:

- (1) The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization; and
- (2) Any regulation promulgated pursuant to the authority of the Federal Food, Drug, and Cosmetic Act, provided that the department shall have the authority under this chapter independently to adopt [such] these regulations.

(b) The department shall enforce this chapter and, subject to chapter 91, may adopt rules with respect to:

- (1) Providing for registration and inspection fees;
- (2) Providing for penalties for deficiencies of official samples and other violations of this chapter;
- (3) Determining responsibilities and procedures for payment of registration, inspection, and penalty fees;

- (4) Such other matters as may be necessary in order to [secure the efficient administration of] implement this chapter.

(c) Notwithstanding the foregoing provisions, the chairperson of the board of agriculture, for the purpose of enforcement of this chapter and without regard to the notice and public hearing requirements of chapter 91, may adopt rules for procedures, tolerance levels, and regulatory or action levels to determine if feed is adulterated, all federal regulations or guidelines of the United States established in 40 Code of Federal Regulations, parts 180 and 186; 21 Code of Federal Regulations, chapter 1, parts 1 to 1299; or the United States Food and Drug Administration Compliance Policy Guides, as they apply to feed, including changes made from time to time. Prior to the effective date of any such rules, the department shall publish in a newspaper of general circulation a notice that includes:

- (1) Either a statement of the substance of the proposed rule adoption, amendment, or repeal; or a general description of the subjects involved and the purposes to be achieved by the proposed rule adoption, amendment, or repeal; and
(2) A statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be mailed to any interested person who requests a copy, together with a description of where and how the requests may be made.

The notice shall be mailed to all persons who have made a timely written request of the department for advance notice of these rules or of the department's rulemaking proceedings. The department may require reimbursement for the cost of preparing and mailing the copies.'

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 12, 1996.)