

ACT 54

H.B. NO. 1382

A Bill for an Act Relating to Meat Donation.

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

SECTION 1. The legislature finds that there is a need for an increased protein donation capacity to feed local under-resourced populations. Existing law specifically prohibits the inclusion of meat as a donation; however, wild game can be a significant source of protein. The inclusion of wild game as a donation-eligible food resource creates a beneficial outlet for food-safe meat harvested from invasive species.

The legislature also finds that Wisconsin, Michigan, and Utah offer meat donation programs that can serve as models that Hawaii can assess to develop tools for long-term, sustainable, management programs for invasive species. For example, Utah amended its Good Samaritan law to enable the harvest of white tail deer meat for donation to charities and provided an exception to antemortem inspection if certain requirements and conditions are met.

Accordingly, the purpose of this Act is to amend the conditions for donations to allow provision of wild meat to under-resourced communities, including the homeless.

SECTION 2. Section 145D-2, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:

- “(d) The exceptions to liability specified in subsection (a) shall include:
- (1) The donation of perishable or nonperishable food that has exceeded the labeled shelf life date recommended by the manufacturer; ~~[and]~~
 - (2) The donation of farm produce; provided that the good-faith donor or distributor reasonably believes that the food is fit for human consumption[-]; and
 - (3) The donation of livestock or wild game meat; provided that the good-faith donor harvested the meat in a food-safe manner and processed the meat in accordance with federal law and the distributor reasonably believes that the food is fit for human consumption.
- (e) For the purposes of this section:

“Donor” means any individual, food vendor, food manufacturer, food distributor, grocery or convenience store, charitable or nonprofit organization, butcher, meat processor, or government agency that donates food to needy persons where the food in question has been prepared and packaged in a facility meeting all relevant food safety guidelines, certifications, and requirements and has passed all food safety inspections.

“Farm produce” means all agricultural, horticultural, and vegetable produce of the soil, but does not include poultry, poultry products, livestock and livestock products, aquaculture and aquaculture products, and timber or timber products.”

SECTION 3. (a) There is established within the department of agriculture for administrative purposes a meat processing task force to develop and implement a plan to expand the meat processing capacity in the State to allow for meat from axis deer and other wild game to be processed for distribution by nonprofit food distribution services. The meat processing task force shall be composed of the following members:

- (1) The chairperson of the board of agriculture, or the chairperson’s designee;
- (2) One member from the department of health, selected by the director of health;
- (3) One member from the department of business, economic development, and tourism, selected by the director of business, economic development, and tourism;
- (4) The administrator of the division of forestry and wildlife of the department of land and natural resources, or the administrator’s designee;
- (5) The chairperson of the board of land and natural resources, or the chairperson’s designee;
- (6) One member from the United States Environmental Protection Agency, who shall be invited by the chairperson of the task force;
- (7) Four members, one each to be appointed by the respective mayors of the city and county of Honolulu and the counties of Hawaii, Kauai, and Maui; and
- (8) Four members to be jointly selected and invited to participate by the president of the senate and the speaker of the house of representatives, two of whom shall be selected from an environmental

nonprofit organization, and two of whom shall be selected from an agricultural or ranching association.

(b) The members of the task force shall choose a chairperson from among themselves.

(c) Task force members may recommend members with appropriate specialized expertise to be added to the task force, subject to the approval of the chairperson of the task force.

(d) The task force shall create and implement a master plan to expand the meat processing capacity in the State to allow for meat from axis deer and other wild game to be processed for distribution by nonprofit food distribution services.

(e) The task force shall submit reports of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular sessions of 2024 and 2025.

(f) The task force shall cease to exist on June 30, 2025.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the meat processing task force to develop and implement a master plan to expand meat processing capacity in the State to allow for wild game to be distributed by nonprofit food distribution services.

The sums appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 5. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per cent. In addition, the appropriation contained in this Act will cause the general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$50,000 or 1 per cent. The combined total amount of general fund appropriations contained in only these two Acts will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,817,367 or 11 per cent. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2023.

(Approved June 5, 2023.)

Note

1. Act 164.