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State of Hawaii
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF THE DEPARTMENT OF AGRICULTURE
BEFORE THE HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS

FEBRUARY 6, 2019
10:10 A.M.
CONFERENCE ROOM 309

HOUSE BILL NO. 260
RELATING TO CONSUMER PROTECTION

Chairperson McKelvey and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 260 relating to retail self-service food scales. This bill requires the seller to locate the scale no farther than 100 feet from the self-service food being sold. The Department offers comments.

The Department is not concerned about the location of the scale but is concerned that the scale must be a type approved for use, accurate, and properly licensed by the Department as a commercial measuring device.

Thank you for the opportunity to testify on this measure.





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Barry Taniguchi, KTA Superstores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*

TO:
Committee on Economic Development and Business
Rep. Angus L.K. McKelvey, Chair
Rep. Lisa Kitagawa, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: Wednesday, Feb. 6, 2019
TIME: 10:10 a.m.
PLACE: Conference Room 309

RE: HB 260

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

This measure requires that food scales be located within 100 feet of self-serve food items sold by weight.

There is no definition of self-service food. There is no definition of scale. Our members are very concerned that this bill could include self serve hot and cold buffet in retail locations. Random weight cheeses, meats, cold cuts, prepackaged produce (salads), etc. Many locations sell a majority of self-service food. The price of the item should be apparent at checkout. The problem is that many items are self-serve but also pre-packaged and those items usually already contain a price. If the self-serve item contains a price then there should be no need for a scale. Retail space is limited and valuable, we don't want to be forced to place a scale where it is not necessary as the store has either already weighted and priced the pre-packaged self-serve item or the individual will have the item weighted at checkout. If the price is too high at checkout the individual can choose to not purchase any item. If there are issues OCP should be able to write a rule that the customer should have a reasonable idea of the price on food bars prior to checkout – if that is the intent. Writing a law such as this may cause many unintended consequences while a rule from OCP would not.

We thank you for the opportunity to testify.



LATE

**TESTIMONY OF TINA YAMAKI
PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 6, 2019
Re: HB 260 Relating to Consumer Protection**

Good morning Chairperson McKelvey and members of the House Committee on Economic Development and Business. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) as founded in 1901 and is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

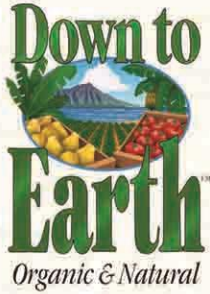
We are opposed to HB 260 Relating to Consumer Protection that would requires that food scales be located within 100 feet of self-serve food items sold by weight.

It is our understanding that food scales are already located in brick and mortar stores where self serve food items are served by weight. This would have the most economic impact on small businesses as scales are not cheap to purchase or maintain the calibrations. Small businesses and Farmers Markets that sell vegetables, fruits and other ready to eat items would have to purchase costly scales. Currently small businesses with limited number of scales are willing to weigh the items prior to purchase or help customers attain as close to the requested amount by weight of their items.

Retailers are already operating on a very thin margin. With the recent jump in minimum wages, goods, services and health care benefits, some businesses are struggling. Policy makers should be focusing on eliminating obstacles to business growth, job creation and economic stability and not adding additional mandated costs that employers cannot afford.

Mahalo again for this opportunity to testify.

Love Life!



LATE

HB 260 RELATING TO CONSUMER PROTECTION
Senate Committee on Economic Development & Business
February 6, 2019, 10:10am State Capitol

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Aloha Rep. Angus L.K. McKelvey, Chair, Rep. Lisa Kitagawa, Vice Chair, and
Committee Members,

Down to Earth Organic and Natural testifies in opposition of HB 260.

Down to Earth *Organic and Natural* has six locations on Oahu and Maui. Since we
opened in 1977, we have supported healthy lifestyles and preservation of the
environment by selling local, fresh, organic and natural food, and by promoting a
vegetarian lifestyle.

We are opposed to HB 260 because it would create a food safety and waste problem
for retailers.

Our self-service salad bar and hot food items are sold by the weight. Most of our
customers mix our various salad bar offerings in one container, including salad
dressings and other toppings. If customers weigh their containers and then
determine that they want to put the food back, it would create an unhygienic and
messy situation. This would cost our stores a lot in additional food waste. Many of
our customers also like to bring in their own containers from home to fill with salad
bar or hot food items. If those customers filled their own containers, weighed them,
and decided to return some of the food, this could also create another type of food
safety hazard. Currently our customers can determine at the check out if they would
like to complete the purchase of their weighed items. We rarely have customer
complaints about our current system.

Thank you for the opportunity to comment on this bill.

Alison Riggs
Public Policy & Government Relations Manager
Down to Earth

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