
A BILL FOR AN ACT

RELATING TO FOOD SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Good agricultural practices are guidelines
2 designed by the United States Food and Drug Administration and
3 Department of Agriculture to produce safe products and eliminate
4 potential for product contamination. Good agricultural
5 practices, among other things, include guidance on human
6 hygiene, animals and their manures, water quality for irrigation
7 and produce rinse, and agricultural pesticides. These standards
8 are being adopted by the world's leading farmers, who understand
9 that they have a responsibility to provide the safest food
10 possible to consumers.

11 The Food Safety Modernization Act was recently signed into
12 law. The law authorizes the Food and Drug Administration and
13 the Secretary of Human Services to increase inspections of many
14 domestic food facilities and enhance detection of food borne
15 illnesses.

16 Safe production, distribution, and consumer handling of
17 food requires knowledge of food borne pathogens, chemical
18 toxins, food quality, and labeling. Our current system of



1 regulation is understaffed, and the remaining staff is
2 unprepared or untrained for the rapid changes that have occurred
3 in risk assessment, changes in production and distribution
4 methodologies, and new foods and emerging pathogens. Food
5 safety programs are also not integrated among government
6 agencies, hampering communication and cooperation.

7 In addition, many of Hawaii's growers are not implementing
8 good agricultural practices. This failure to follow
9 science-based, risk-adverse food production practices is
10 worsened by the existence of the rat lungworm nematode in
11 Hawaii. When consumed, this nematode can cause serious illness,
12 as has happened numerous times during the past few years.

13 The purpose of this Act is to establish a food safety and
14 security program within the department of agriculture.

15 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
16 amended by adding a new part to be appropriately designated and
17 to read as follows:

18 "PART . FOOD SAFETY AND SECURITY PROGRAM

19 §141- Food safety and security program; establishment.

20 There shall be established within the department of agriculture
21 a food safety and security program that shall:



- 1 (1) Provide training, certification, support, and
- 2 assistance to the agricultural industry; and
- 3 (2) Interface with other state and federal agencies to
- 4 meet the requirements of this part.

5 **§141- Objectives; duties.** (a) The objectives of the
6 food safety and security program shall be to:

- 7 (1) Assist the Hawaii agricultural industry achieve food
- 8 safety and security in a cost-effective and efficient
- 9 manner;
- 10 (2) Provide an integrative system to tie food safety and
- 11 security with other department mandates, including
- 12 biosecurity and quality assurance; and
- 13 (3) Respond effectively to federal rules, regulations, and
- 14 guidelines to minimize harm to Hawaii's agricultural
- 15 industry.

16 (b) To meet the objectives of subsection (a), the
17 department shall:

- 18 (1) Establish, operate, or participate in establishing
- 19 port facilities where agricultural commodities can be
- 20 inspected, quarantined, fumigated, disinfected,
- 21 destroyed, or otherwise treated for any disease;



1 (2) Perform all inspections and certifications of
2 agricultural commodities in an efficient, effective,
3 and expeditious manner; and

4 (3) Develop and implement programs to educate and develop
5 the agricultural industry to meet state and federal
6 laws, rules, and regulations.

7 For purposes of this section, "agricultural commodities"
8 means any grain, livestock, poultry, fruit, plant, timber, or
9 other item produced from agricultural activities and shall
10 include trees, shrubs, herbs, and other plants."

11 SECTION 3. Section 141-2, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§141-2 Rules.** Subject to chapter 91, the department of
14 agriculture shall adopt, amend, and repeal rules not
15 inconsistent with law, for and concerning:

16 (1) The introduction, transportation, and propagation of
17 trees, shrubs, herbs, and other plants;

18 (2) The quarantine, inspection, fumigation, disinfection,
19 destruction, or exclusion, either upon introduction
20 into the State, or at any time or place within the
21 State, of any nursery-stock, tree, shrub, herb, vine,
22 cut-flower, cutting, graft, scion, bud, seed, leaf,



1 root, or rhizome; any nut, fruit, or vegetable; any
2 grain, cereal, or legume in the natural or raw state;
3 any moss, hay, straw, dry-grass, or other forage; any
4 unmanufactured log, limb, or timber; or any other
5 plant growth or plant product unprocessed or in the
6 raw state; any sand, soil, or earth; any live bird,
7 reptile, insect, or other animal, in any stage of
8 development, that is in addition to the so-called
9 domestic animals, [~~which~~] that are provided for in
10 section 142-2; and any box, barrel, crate, or other
11 containers in which the articles, substances, or
12 objects have been transported or contained, and any
13 packing material used in connection therewith, that is
14 or may be diseased or infested with insects or likely
15 to assist in the transmission or dissemination of any
16 insect or plant disease injurious, harmful, or
17 detrimental, or likely to become injurious, harmful,
18 or detrimental to the agricultural or horticultural
19 industries or the forests of the State, or that is or
20 may be in itself injurious, harmful, or detrimental to
21 the same (included therein may be rules governing the
22 transportation of any of the articles, substances, or



1 objects enumerated above in this section between
2 different localities on any one of the islands within
3 the State);

4 (3) The prohibition of importation into the State, from
5 any or all foreign countries or from other parts of
6 the United States, or the shipment from one island
7 within the State to another island therein, or the
8 transportation from one part or locality of any island
9 to another part or locality of the same island, of any
10 specific article, substance, or object or class of
11 articles, substances, or objects, among those
12 enumerated above in this section, that is diseased or
13 infested with insects or likely to assist in the
14 transmission or dissemination of any insect or plant
15 disease injurious, harmful, or detrimental or likely
16 to be injurious, harmful, or detrimental to the
17 agricultural or horticultural industries, or the
18 forests of the State, or that is or may be in itself
19 injurious, harmful, or detrimental to the same;

20 (4) The preparation by cargo carriers of manifests of
21 cargo transported into the State or between islands of



1 the State and the submission of the manifests to the
2 department; [~~and~~]

3 (5) The manner in which agricultural product promotion and
4 research activities may be undertaken, after
5 coordinating with the agribusiness development
6 corporation[~~-~~]; and

7 (6) The production, processing, and distribution of food
8 products or agricultural commodities to meet state and
9 federal food safety standards.

10 For purposes of this section, "agricultural commodities"
11 means any grain, livestock, poultry, fruit, plant, timber or any
12 other item produced from agricultural activities and shall
13 include those items listed in paragraph (1).

14 All rules adopted under this section shall have the force
15 and effect of law."

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Department of Agriculture; Food Safety and Security Program

Description:

Creates the food safety and security program within the department of agriculture. Requires the department of agriculture to adopt rules regarding the production, processing, and distribution of food products or agricultural commodities to meet state and federal food safety standards. Effective 7/1/2050. (SD2)

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