

**Senate Executive Departments and Administration
Committee**
Cameron Lapine 271-2104

HB 345, establishing a license for mushroom harvesters.

Hearing Date: April 28, 2021

Time Opened: 9:15 a.m. **Time Closed:** 9:27 a.m.

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill:

I. Establishes a license for wild mushroom identifiers, harvesters, and distributors.

II. Allows the department of health and human services to assess fines to people who distribute wild mushrooms without a license.

III. Requires the department of health and human services to develop a list of approved mushrooms for distribution as well as an educational curriculum for license applicants.

Sponsors:

Rep. Knirk

Rep. Fellows

Rep. Merchant

Rep. M. Murray

Rep. Bixby

Sen. Sherman

Sen. Bradley

Who supports the bill: Representative Jerry Knirk (Carroll – District 3), Colleen Smith (DHHS), John Ballentine, Representative Diane Schuett (Merrimack – District 20), Senator Jeb Bradley (District 3), Representative Peter Bixby (Stafford – District 17), Representative Suzanne Vail (Hillsborough – District 30), Representative Heidi Hamer (Hillsborough – District 17), Gary Hamer, Geoffrey Hamer, Representative Susan Almy (Grafton – District 13), Representative Chuck Grassie (Strafford – District 11), Representative Roger Dontonville (Grafton – District 10), Representative Deb Stevens (Hillsborough – District 34), Kathy Tucker, Representative Efstathia Booras (Hillsborough – District 33), Anne Dontonville, Representative Christy Bartlett (Merrimack – District 19), Rick Van de Poll, Representative Wendy Chase (Strafford – District 18), Representative Rod Pementel (Merrimack – District 6), Senator Tom Sherman (District 24), Caroline Storrs, Representative Rebecca McBeath (Rockingham – District 26), Elaine Thomas, Representative Safiya Wazir (Merrimack – District 17), and Representative Megan Murray (Hillsborough – District 22).

Who opposes the bill: Elliot Axelman, Nicholas Thomas, Representative Erica Layon (Rockingham – District 6), and Alexandra Mennella.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Jerry Knirk

Carroll – District 3

- Representative Knirk said that HB 345 came from the Mushroom Foraging Study Commission (Laws of 2019, 35:2) charged with developing a system for the licensing of wild mushrooms for sale. He said that wild mushrooms are a specialty product that restaurants like to serve or people like to use at home. He said that without HB 345, restaurants, grocery stores, and farmers markets cannot sell wild mushrooms in New Hampshire.
- Rep. Knirk said that the 2017 United States Food Code requires an approved regulatory authority within the state to provide for the identification of wild mushrooms. He said that New Hampshire does not have such a program.
- Rep. Knirk said that HB 345 does not interfere with the harvesting of wild mushrooms for personal use but is important because misidentified wild mushrooms could be unpleasant to eat or toxic, up to kidney failure, liver failure, and death. He also said that there is large damage to the reputation of a restaurant or market if an outbreak of illness due to wild mushrooms is linked to their facilities.
- Rep. Knirk said that there was a bill in 2020 on this same issue but it died in the Senate due to the COVID-19 pandemic.
- Rep. Knirk said that under HB 345, the Department of Health and Human Services (DHHS) will approve a course for identifying wild mushrooms, as well the ethics around harvesting and selling wild mushrooms.
- Rep. Knirk said that the study commission developed a two-tier system for wild mushrooms, with Tier I being wild mushrooms that are easy to identify with no toxic lookalikes. Tier II wild mushrooms are harder to identify and may make people ill if incorrectly identified. He said that purchase can only occur from people certified consistent with their tier.
- Rep. Knirk said that there would be an online database with certified individuals, as well as a card, and public notification for certified wild mushroom harvesters and distributors.
- Rep. Knirk also said that there is a labeling requirement for tracking wild mushrooms as they are harvested, processed, and sold.
- Senator Carson asked about the labeling requirement on Page 2, Line 19. She asked if there should be an expiration date on the tag.
 - Rep. Knirk said that there had not been any discussion about an expiration date. He said that at a restaurant, the distributor and the facility would probably have a conversation about freshness. He said that he would not object to including an expiration date but there usually are not expiration dates on produce like mushrooms.

Colleen Smith

Food Protection Section, DHHS

- Ms. Smith said that she supports HB 345 and that it is a request of the study commission, which had representatives from the Department of Agriculture, Markets, and Food, academia, and the industry to create a pathway to licensure.

- Ms. Smith said that there are many harvesters who seek a safe way to offer their products. She said that education, limitations on the species harvested, and good record keeping will create a good pathway to meet the US Food Code requirements.

Representative Peter Bixby

Strafford – District 17

- Representative Bixby said that the original wild mushroom harvesting bill originally came through House Environment and Agriculture, which saw a strong need for it. He said that that bill died because of the COVID-19 pandemic.
- Rep. Bixby said that his committee strongly supports HB 345 and the amendments from House Executive Departments and Administration improved the bill, making it effective and low-burden.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

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Date Hearing Report completed: April 29, 2021