



GOV. MSG. NO. **656**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 6, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB2083 HD1 SD2, without my approval, and with the statement of objections relating to the measure.

HB2083 HD1 SD2

A BILL FOR AN ACT
RELATING TO MILK LABELING.

Sincerely,

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2083

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2083, entitled "A Bill for an Act Relating to Milk Labeling."

The purpose of this bill is to require milk pasteurized, distributed, or offered for sale in Hawaii to be labeled with the date the contents were pasteurized or packaged for distribution or sale.

This bill is objectionable for three reasons.

First, while it would require this type of labeling for pasteurized milk, it would exempt ultra-high temperature pasteurized milk from the labeling mandate. "Pasteurized milk" in this bill refers only to fresh milk processed by heating to at least 145 degrees Fahrenheit for a minimum of thirty minutes, or to at least 161 degrees Fahrenheit for a minimum of fifteen seconds, but does not include ultra-high temperature pasteurized milk, which is processed under different heat and time conditions. There is no good reason for this exclusion.

Second, the bill does not specify which pasteurization date should be used. Some milk shipped into the State is pasteurized twice, and using the second pasteurization date would make it seem fresher, than it actually is, including appearing fresher than locally produced milk.

Third, this bill is inconsistent with the National Conference of Interstate Milk Shippers' Pasteurized Milk Ordinance, which has been adopted in Hawaii by administrative

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 2083
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rules. The Ordinance prohibits the sale of unpasteurized milk, and its labeling provisions require only that milk be labeled "pasteurized" or "ultra-pasteurized" and show the place of pasteurization. This bill would take Hawaii out of compliance with the Ordinance, which all fifty states currently follow pursuant to guidance from the Food and Drug Administration.

For the foregoing reasons, I am returning House Bill No. 2083 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO MILK LABELING.

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

1 SECTION 1. The legislature finds that advances in food
2 processing techniques have drastically increased the shelf life
3 of certain foods; however, these processes may also affect the
4 nutritional value of important food staples such as milk.

5 The legislature also finds that although milk is required
6 to have the "best by" date, this does not inform the consumer of
7 the length of time that has transpired since the milk was
8 processed. Hawaii consumers clearly need additional information
9 to evaluate the freshness of milk.

10 The purpose of this Act is to require milk to be labeled
11 with the date of pasteurization or the date the milk was
12 packaged for distribution or sale. By enabling consumers to
13 choose the freshest milk, this Act will promote the public
14 health. It will also raise the quality profile of milk
15 pasteurized and processed in Hawaii, consistent with the State's
16 island fresh campaign, which encourages consumers to support
17 local farmers by buying locally-produced products.



1 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§321- Milk labeling; date of pasteurization or
5 packaging. (a) Any beverage product containing one hundred per
6 cent by weight of milk and pasteurized, distributed, or offered
7 for sale in this state shall be labeled with the date that the
8 contents were:

- 9 (1) Pasteurized; or
10 (2) Packaged for distribution or sale, if no portion of
11 the beverage product has been pasteurized.

12 The label shall clearly indicate that the date specified
13 pursuant to this section refers to the date of pasteurization or
14 the date of packaging for distribution or sale, as applicable.

15 (b) For purposes of this section:

16 "Milk" means all fresh milk or fresh milk constituents to
17 be used in fluid form for human consumption, including
18 pasteurized milk, cream, half-and-half, whole milk, skim milk,
19 buttermilk, flavored milk, flavored skim milk, reconstituted or
20 recombined milk, and filled milk, as those terms are defined in
21 section 157-1.



1 "Pasteurized" means that the beverage product was processed
2 to produce "pasteurized milk", as that term is defined in
3 section 157-1."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on January 1, 2011.

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