

JAN 26 2011

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# A BILL FOR AN ACT

RELATING TO HONEY.

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

1           SECTION 1. The legislature finds that producers of very  
2 high quality honey in Hawaii have been losing significant market  
3 share to preternaturally cheap, adulterated, imported,  
4 sweeteners mislabeled as "honey" and as products of the United  
5 States of America. Labeling and selling those products as honey  
6 is misleading and deceptive.

7           The legislature also finds that ultrafiltered honey is  
8 imported into the United States in huge containers, repackaged  
9 by United States based companies, some of which are foreign  
10 owned, and labeled using formats and verbiage that mislead the  
11 consumer into believing that the products are pure honey  
12 produced in the United States. While misleading labeling  
13 practice is a consumer protection issue, it is also an issue of  
14 fairness to Hawaii honey producers. Local beekeepers are  
15 willing to compete with other honey producers on the merits of  
16 their product but cannot do so when other producers sell cheap,  
17 reconstituted, adulterated, or contaminated honey or use it to  
18 dilute domestic honey. Given the spot price of honey and the



1 cost to process, blend, bottle, label, box, consolidate, ship,  
2 broker, distribute, promote, and market honey, producers cannot  
3 afford to price their product for retail sale below wholesale  
4 price unless they sell an adulterated product or use it to  
5 dilute their own.

6 The purpose of this Act is to prevent mislabeled, and  
7 potentially unwholesome, honey products from being sold in  
8 Hawaii.

9 SECTION 2. Chapter 148, Hawaii Revised Statutes, is  
10 amended by adding a new part to be appropriately designated and  
11 to read as follows:

12 "PART . COUNTRY OF ORIGIN LABELING -

13 HONEY OR BEE POLLEN

14 §148-A Definitions. As used in this part:

15 "Label" means a display of written, printed, or graphic  
16 matter on the immediate container of honey or bee pollen, where  
17 the immediate container does not include package liners.

18 "Labeling" means labels and other written, printed, or  
19 graphic matter:

- 20 (1) On an article or its containers or wrappers; or  
21 (2) Accompanying the article.



1 "Package" means a container or wrapping in which honey or  
2 bee pollen is enclosed for use in the delivery or display to  
3 retail purchasers. The term does not include:

4 (1) Shipping containers or wrappings used solely for the  
5 transportation of honey or bee pollen in bulk or in  
6 quantity to manufacturers, packers, or processors or  
7 to wholesale or retail distributors; or

8 (2) Shipping containers or outer wrappings used by  
9 retailers to ship or deliver honey or bee pollen to  
10 retail customers if the containers and wrappings bear  
11 no printed matter pertaining to the honey or bee  
12 pollen.

13 "Person" includes an individual, partnership, corporation,  
14 and association.

15 "Placard" means a nonpermanent sign used to display or  
16 describe food items for sale in a food service establishment or  
17 retail establishment.

18 **§148-B Labeling of honey.** (a) All producers and shippers  
19 of honey or bee pollen in the State shall label each individual  
20 package of honey or bee pollen in a conspicuous place as  
21 legibly, indelibly, and permanently as the nature of the package



1 will permit, in a manner that indicates to an ultimate purchaser  
2 that the product was produced in Hawaii.

3 (b) After December 31, 2011, any package of honey or bee  
4 pollen, including any package containing foreign honey blended  
5 with domestic honey, produced in any country other than the  
6 United States and offered for retail sale in Hawaii shall be  
7 marked individually in a conspicuous place as legibly,  
8 indelibly, and permanently as the nature of the package of honey  
9 or bee pollen will permit to indicate to an ultimate purchaser  
10 the country of origin. Markings shall be made prior to delivery  
11 into Hawaii.

12 (c) After December 31, 2011, if any product subject to  
13 subsection (b) is unlabeled and the retail vendor is unable to  
14 determine its country of origin, the product shall be removed  
15 from sale.

16 (d) All retail vendors engaged in the business of selling  
17 honey that is labeled or identified as to country of origin are  
18 prohibited from wilfully or knowingly removing the label or  
19 identifying mark.

20 **§148-C Penalties.** (a) After December 31, 2011, a person  
21 engaged in the business of retail vending of honey or bee pollen  
22 who intentionally or knowingly offers honey or bee pollen for



1 sale without ensuring that the products are clearly labeled as  
2 to the country of origin, as required by this part, shall be  
3 subject to the following penalty:

4 (1) For a first offense, a vendor shall be fined an amount  
5 not to exceed \$500;

6 (2) For a second offense, a vendor shall be fined an  
7 amount not to exceed \$1,000; and

8 (3) For a third or subsequent offense, a vendor shall be  
9 fined an amount not to exceed \$2,500.

10 (b) After December 31, 2011, a person engaged in the  
11 business of retail vending of honey or bee pollen who knowingly  
12 removes any labels or identifying marks from honey or bee pollen  
13 as to the country of origin shall be subject to a civil penalty  
14 of not less than \$1,000 nor more than \$2,500 for each separate  
15 offense. Each label or identifying mark removed shall  
16 constitute a separate offense.

17 (c) As used in this section, "intentionally" and  
18 "knowingly" have the same meaning as in section 702-206.

19 §148-D Rules. The department of agriculture may adopt  
20 rules pursuant to chapter 91 necessary for purposes of this  
21 part."

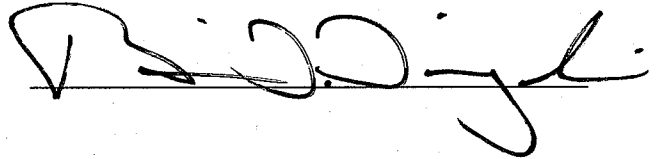


1 SECTION 3. In codifying the new sections added by section  
2 2 of this Act, the revisor of statutes shall substitute  
3 appropriate section numbers for the letters used in designating  
4 the new sections in this Act.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "R. J. Doyle", written over a horizontal line.

**Report Title:**

Honey; Labeling; Origin

**Description:**

Requires grocers to list the country of origin of all honey sold. Establishes penalties.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

