

JAN 17 2014

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 145, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . FARMERS MARKET VENDORS**

5 **§145-A Definitions.** As used in this part, unless
6 otherwise required by the context:

7 "Direct-marketing" means the selling of products of the
8 farm or garden that is occupied or cultivated by the farmer and
9 sold directly to the consumer.

10 "Farmers market" means a scheduled operational site where
11 fresh foods are sold by the individuals who have grown,
12 gathered, raised, or caught the fresh food being sold.

13 "Farmers market vendor" means a farmer selling products of
14 the farm or garden occupied or cultivated by that farmer
15 directly to the consumer from a market operating around the year
16 from a farmers market.

17 "Non-potentially hazardous value added products" means:

18 (1) Jams, jellies, and preserves;



- 1 (2) Sweet sorghum syrup;
- 2 (3) Honey;
- 3 (4) Fruit butter;
- 4 (5) Fruit pies;
- 5 (6) Baked goods that are not subject to spoilage;
- 6 (7) Coffee and tea; and
- 7 (8) Dried herbs.
- 8 "Potentially hazardous value added products" means:
- 9 (1) Meat, poultry, and eggs;
- 10 (2) Fish and shellfish;
- 11 (3) Cooked vegetables;
- 12 (4) Dairy products;
- 13 (5) Mushrooms;
- 14 (6) Cut melons;
- 15 (7) Unmodified cut tomatoes or mixtures of cut tomatoes;
- 16 (8) Untreated garlic-in-oil mixtures;
- 17 (9) Baked goods subject to spoilage (such as cream-filled
- 18 pastries or others that must be refrigerated);
- 19 (10) Reduced sugar jams and jellies;
- 20 (11) Pickles and salsas; and
- 21 (12) Raw seed sprouts.



1 **§145-B General provisions.** (a) All farmers market
2 operational sites shall be approved by the department.

3 (b) Farmers may direct-market whole, uncut fresh fruits
4 and vegetables without a permit or inspection from the
5 department of health.

6 **§145-C Non-potentially hazardous value-added products;**
7 **labeling requirements.** (a) Farmers who are using their own
8 agricultural product to produce non-potentially hazardous value-
9 added product in their home kitchen (the kitchen of the person's
10 primary domestic residence) are exempt from a department of
11 health permit and inspection.

12 (b) Under this requirement, non-potentially hazardous
13 value-added foods that do not require time or temperature
14 control for safety can be produced in a home kitchen for direct
15 sale to customers at a regularly scheduled farmers market;
16 provided that in addition to labeling requirements for all
17 value-added agricultural products, products produced in home
18 kitchens shall include a label with clear and conspicuous print
19 stating that:

20 "This product is homemade and not subject to state
21 inspection."



1 §145-D Potentially hazardous value-added products;
2 labeling requirement. (a) Farmers market vendors who direct-
3 market potentially hazardous value-added products shall comply
4 with the administrative rules of the department of health and
5 the requirements of this section. Farmers market vendors, whose
6 product has been approved for sale within a regularly scheduled
7 farmers market, shall be provided with a department of health
8 permit valid for a period of one year.

9 (b) The sale, offering for sale, or distribution of any
10 potentially hazardous product by a farmers market vendor that is
11 intended for human consumption within the State is prohibited
12 unless the finished product containers produced by the farmers
13 market vendor are clean and sanitary and labeled in clear and
14 conspicuous language to show:

- 15 (1) The name and address of the processor;
16 (2) The common or usual name of the food;
17 (3) The common or usual name of each ingredient in their
18 order of predominance, provided that the food is
19 fabricated from two or more ingredients, except that
20 spices, flavorings, and colorings may be designated as
21 spices, flavorings, and colorings without naming each,



1 and spices and flavorings may be designated together
2 as flavorings; and

3 (4) The net weight, standard measure, or numerical count."

4 SECTION 2. This Act shall take effect upon its approval.

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INTRODUCED BY: Clarence D. Fisher

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M. N. M.



S.B. NO. 2456

Report Title:

Farmers Market Vendors

Description:

Requires farmers market vendors that direct-market potentially hazardous products to obtain a permit from the department of health. Exempts farmers market vendors that direct-market non-potentially hazardous products from obtaining a department of health inspection and permit. Establishes labeling requirements.

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