
A BILL FOR AN ACT

RELATING TO TRUTH-IN-ADVERTISING.

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

1 SECTION 1. Farmers' markets play an important role in
2 Hawaii's communities by establishing and maintaining connections
3 between consumers and local farms. Moreover, the consumption of
4 locally-produced agricultural products, when practicable,
5 contributes significantly towards the goal set forth by the
6 Hawaii 2050 Sustainability Plan to "increase production and
7 consumption of local foods and products, particularly
8 agriculture."

9 There have been instances, however, where outdoor markets
10 purporting to be local farmers' markets sell imported
11 agricultural products or agricultural products bought from
12 wholesalers. Further, vendors are not required to disclose a
13 product's geographic source of origin, thereby misleading
14 unassuming consumers.

15 The purpose of this Act is to require that all agricultural
16 products sold at farmers' markets are displayed with a sign or
17 label declaring the products' geographic origin.



1 SECTION 2. Chapter 486, Hawaii Revised Statutes, is
2 amended by adding a new section to part V to be appropriately
3 designated and to read as follows:

4 "§486- Farmers' markets; geographic origin of
5 agricultural products. (a) All agricultural products sold in a
6 farmers' market shall be displayed with a label or sign that
7 contains an identity statement declaring the product's
8 geographic origin. Each word or character in the identity
9 statement shall be of the same type size and shall be
10 contiguous. The identity statement shall be reasonably sized
11 and conspicuously displayed near the product being sold.

12 (b) It shall be a violation of this chapter to:

13 (1) Misrepresent on a label, on a sign, in an identity
14 statement, or in advertising of agricultural products
15 in a farmers' market the geographic origin of the
16 agricultural product; or

17 (2) Display, advertise, or sell agricultural products at a
18 farmers' market without a conspicuously displayed
19 label or sign containing an identity statement
20 pursuant to this section.

21 (c) Sellers shall maintain, for a period of at least two
22 years, records on the volume and geographic origin of products



1 sold and any other records required by the department for the
2 purpose of enforcing this section. Authorized employees of the
3 department shall have access to the records during normal
4 business hours.

5 (d) For purposes of this section:

6 "Agricultural product" means any agricultural,
7 aquacultural, horticultural, silvicultural, or floricultural
8 product wherever produced and includes but is not limited to
9 fresh fruits and vegetables, raw unprocessed honey, meat, dairy,
10 poultry, eggs, and any other farm product that may be sold at a
11 farmers' market.

12 "Farmers' market" means a market where farmers sell their
13 products directly to consumers and includes any market that
14 represents or advertises itself as a farmers' market.

15 "Geographic origin" means the geographic region or regions
16 in which the agricultural product was grown, collected, or
17 raised and shall include the country of origin, if the product
18 was produced outside the United States, or the state of origin,
19 if the product was produced in the United States."

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



- 1 SECTION 4. New statutory material is underscored.
- 2 SECTION 5. This Act shall take effect upon its approval.
- 3



Report Title:

DOA; Farmers' Markets; Source of Origin

Description:

Requires that all agricultural products sold at farmers' markets be displayed with a label or sign containing an identity statement declaring the product's geographic origin. Makes noncompliance a violation of chapter 405, HRS. (SD1)

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