
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature recognizes that the department
2 of agriculture has the authority to adopt rules pursuant to
3 chapter 91, Hawaii Revised Statutes. The legislature further
4 recognizes the value of the "Hawaii" designation on agricultural
5 commodities.

6 The purpose of this Act is to allow the department of
7 agriculture to establish rules relating to Hawaii geographic
8 indication labeling of agricultural commodities.

9 SECTION 2. Section 147-1, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 "Hawaii geographic indication" means an agricultural
13 product, excluding coffee and macadamia nuts, that is one
14 hundred per cent grown in Hawaii."

15 SECTION 3. Section 147-4, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§147-4 Rules.** The department may make rules, subject to
18 chapter 91:



- 1 (1) Defining declaration of Hawaii geographic indication,
2 grades and grade labeling requirements of agricultural
3 commodities, and standard containers for packing of
4 particular agricultural commodities;
- 5 (2) Prohibiting the sale, offering for sale, or
6 transportation of agricultural commodities unless
7 packed in standard containers and labeled with the
8 appropriate declaration of Hawaii geographic
9 indication and grade or offgrade designation; provided
10 that this prohibition shall not apply to the sale,
11 offering for sale, or transportation to a plant for
12 grading, packing, or processing, or transportation to
13 a warehouse for storage;
- 14 (3) Prohibiting the use of grade terms or abbreviations of
15 grade terms on agricultural commodities for which no
16 grades have been established under this part;
- 17 (4) Defining "suitable shipping condition" for
18 agricultural commodities which are to be shipped for
19 sale from one island to another within the State or to
20 points outside the State, and prohibiting such
21 shipment for sale of agricultural commodities which do



- 1 not meet the minimum standards set for "suitable
2 shipping condition";
- 3 (5) Prescribing records to be kept in connection with
4 purchases of agricultural commodities by persons,
5 other than produce dealers purchasing from a producer
6 or producers, for purposes of resale five or more tons
7 of agricultural commodities during any one calendar
8 month;
- 9 (6) Prescribing records to be kept by produce dealers in
10 connection with the purchase, sale, transport for
11 sale, solicitation, or negotiation of sale with
12 respect to an agricultural commodity; ~~and~~
- 13 (7) Relating to the inspection and documentation of the
14 geographic origin of Hawaii-grown green coffee
15 beans[-]; and
- 16 (8) Relating to the use of a declaration of Hawaii
17 geographic indication.

18 In making the rules the department shall take into account,
19 among other things, the factors of maturity, condition,
20 soundness, color, shape, size, and freedom from defects of the
21 agricultural commodity in question and shall also take into



1 consideration the official standards, grades or classifications
2 adopted by the secretary of the Department of Agriculture of the
3 United States, commonly known as U.S. Grades."

4 SECTION 4. Section 147-22, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§147-22 Rules.** The department shall have the necessary
7 powers to carry out and effectuate the purposes of this part,
8 including the following:

9 To establish, prescribe, modify, or alter, by rules, such
10 grades, standards, grade labels, [~~and~~] classifications, and
11 declaration of Hawaii geographic indication as shall be the
12 minimum requirements for fresh and processed agricultural
13 commodities destined for shipment by commercial exporters to
14 points outside the State; provided that the provisions of such
15 grades, standards, grade labels, [~~and~~] classifications, and
16 declaration of Hawaii geographic indication shall not excuse
17 failure to comply with the provisions of the federal and state
18 food, drug, and cosmetic acts. The department in establishing
19 such rules shall consult with appropriate state and federal
20 agencies and with any appropriate industry or trade
21 organization. The standards, grades, grade labels, [~~and~~]



1 classifications, and declaration of Hawaii geographic indication
2 so established shall be on the basis of what the department may
3 deem best suited to the agricultural, horticultural, or other
4 interests of the State; provided that the minimum requirements
5 for the grades, standards, grade labels, [~~and~~] classifications,
6 and declaration of Hawaii geographic indication so established
7 for processed agricultural commodities shall not be higher than
8 that of any standardized product which is sanitary and which has
9 been demonstrated to be a commercially-acceptable product of the
10 class to which it belongs and for which a market has been
11 established; provided further that different minimum
12 requirements may be applied to different styles of processed
13 agricultural commodities; and provided further that any
14 processed pineapple product, in which the fruit ingredient is at
15 least ninety-five per cent pineapple in compliance with the
16 provisions of the federal and state food, drug, and cosmetic
17 acts, may be exported from the State."

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Department of Agriculture; Rulemaking; Declaration of Hawaii
Geographic Indication

Description:

Authorizes the DOA to adopt rules relating to the declaration of
Hawaii geographic indication for agricultural commodities.
Effective 7/1/2050. (SD1)

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not legislation or evidence of legislative intent.*

