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# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1           SECTION 1. The legislature finds that the Hawaii is home  
2 to diverse climates, soils, traditions, practices, and people  
3 that produce a wide variety of high-quality and high-value  
4 agricultural products unique to specific geographic regions or  
5 "origins." The production of these products also provides a  
6 livelihood for thousands of farmers and families across the  
7 State and allows them to be self-sufficient.

8           Other states promote and protect their "origin" products,  
9 including potatoes from Idaho, onions from Georgia, and wine  
10 from California. Other countries, notably France and Italy,  
11 have long protected and promoted specific "appellations" of wine  
12 and cheese. Now, a wide variety of other agricultural products  
13 of a given quality, reputation, or characteristic attributable  
14 to their geographic origin are known for their "geographical  
15 indications."

16           The legislature also finds that official certification of  
17 origin products is also a crucial requirement for marketing



1 those products globally but is not currently available in  
2 Hawaii. Establishing Hawaii procedures for certification of  
3 origin products is therefore necessary and appropriate.

4 The concept of geographical indications is recognized  
5 internationally and used to define and protect intellectual  
6 property rights. Article 22 of the Trade-Related Aspects of  
7 Intellectual Property Rights section of the 1994 General  
8 Agreement on Tariffs and Trade defined "geographical  
9 indications" as indications that "identify a good as originating  
10 in the territory of a Member, or a region or locality in that  
11 territory, where a given quality, reputation or other  
12 characteristic of the good is essentially attributable to its  
13 geographic origin."

14 The legislature further finds that, unlike many other  
15 states or countries that produce only a few potential  
16 agricultural origin products with recognizable geographical  
17 indications, Hawaii has many products that are well-established  
18 as originating in Hawaii. These include coffee, onions, and  
19 pineapple as well as a growing number of other products such as  
20 tea, cacao, honey, and taro. Hawaii also produces a variety of  
21 tropical fruits that are each grown and promoted as Hawaii



1 origin products because their "given quality, reputation or  
2 other characteristic . . . is essentially attributable to its  
3 geographic origin," as specified in the above definition of  
4 geographical indications.

5 In 1978, the Hawaii State Constitution was amended, in  
6 pertinent part, to provide specific protections for agricultural  
7 lands in the State. Section 3 of Article XI of the State  
8 Constitution provides that "the State shall conserve and protect  
9 agricultural lands, promote diversified agriculture, increase  
10 agricultural self-sufficiency and assure the availability of  
11 agriculturally suitable lands." Because geographical  
12 indications or origin products have unique qualities, they also  
13 have high economic values that support farmers and farming  
14 families. This assures that agriculturally suitable lands will  
15 remain available if they are protected and their value is  
16 promoted.

17 The legislature therefore finds that adopting comprehensive  
18 legislation to protect, promote, and certify Hawaii's origin  
19 products and their geographical indications will further the  
20 mandate of section 3 of article XI of the Hawaii State  
21 Constitution to promote diversified agriculture, increase



1 agricultural self-sufficiency, and assure the availability of  
2 agriculturally suitable lands.

3 Accordingly, the purpose of this Act is to promote the  
4 health and welfare of the citizens of the State by providing a  
5 means for the protection, promotion, study, research, analysis,  
6 and development of markets relating to the production and  
7 promotion of Hawaii-grown origin products and their geographical  
8 indications.

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

12 "CHAPTER

13 HAWAII GROWN ORIGIN PRODUCTS

14 § -1 Title. This chapter shall be known and may be  
15 cited as the "Hawaii Grown Origin Products Act".

16 § -2 Definitions. As used in this chapter:

17 "Commission" means the Hawaii grown origin products  
18 commission.

19 "Entity" means a partnership, corporation, association, or  
20 any other legal entity.



1 "Geographical indications" means, where not inconsistent  
2 with the definition in article 22 of the Trade-Related Aspects  
3 of Intellectual Property Rights section of the 1994 General  
4 Agreement on Tariffs and Trade, indications that identify a good  
5 as originating in the State or a region or locality in the  
6 State, where a given quality, reputation, or other  
7 characteristic of the good is essentially attributable to its  
8 geographic origin.

9 "Grower" means a person who derives at least twenty-five  
10 per cent of their annual income from the production of Hawaii  
11 grown origin products.

12 "Hawaii grown origin product" means an agricultural  
13 product, including apiary products, grown or produced in a  
14 Hawaii origin production area and designated as a Hawaii grown  
15 origin product.

16 "Hawaii grown origin production area" means a production  
17 area for any of the geographical indications of the State or in  
18 a region or locality in Hawaii as provided in section -4.

19 "Marketer" means a person or entity that is actively  
20 engaged in the marketing of Hawaii grown origin products for  
21 human consumption or use.



1 "Marketing" means promoting or selling Hawaii grown origin  
2 products for human consumption or use.

3 "Person" means a natural person.

4 "Process" means changing the form of a Hawaii grown origin  
5 product from its raw or natural state as a step in creating a  
6 product for human consumption or use.

7 "Processor" means a person or an entity that is not a  
8 grower that derives at least seventy-five per cent of its annual  
9 revenue from the processing of Hawaii grown origin products.

10 § -3 Sale of Hawaii grown origin products. No product  
11 shall be identified, classified, packaged, labeled, or otherwise  
12 designated for sale inside or outside the State as a Hawaii  
13 grown origin product unless the product meets the requirements  
14 of this chapter.

15 § -4 Designation of Hawaii grown origin products and  
16 Hawaii origin production areas. (a) Hawaii grown origin  
17 products are those products designated by the Hawaii grown  
18 origin products commission that meet one or more of the  
19 following criteria:

20 (1) The quality and features of the product are derived  
21 essentially or exclusively from its geographic origin



1 including but not limited to the soil in which it is  
2 grown, the manner in which it is processed, or its  
3 association with established cultural practices or  
4 values;

5 (2) The product is developed, processed, and produced  
6 within a Hawaii grown origin production area; and

7 (3) Such other criteria as the commission may determine by  
8 rulemaking.

9 (b) The Hawaii grown origin production areas shall be the  
10 State or the following regions or localities in the State where  
11 the products are grown, developed, processed, and produced  
12 within a Hawaii grown origin production area, or associated with  
13 established cultural practices or values of a Hawaii grown  
14 origin production area:

15 (1) The State of Hawaii for Hawaii products;

16 (2) The geographic region of Hamakua for Hamakua products;

17 (3) The geographic region of Kau for Kau products;

18 (4) The geographic region of Kona for Kona products;

19 (5) The geographic region of Puna for Puna products;

20 (6) The geographic region of Volcano for Volcano products;

21 (7) The island of Kauai for Kauai products;



- 1           (8) The island of Molokai for Molokai products;
- 2           (9) The island of Maui for Maui products; and
- 3           (10) The island of Oahu for Oahu products,
- 4 that meet one or more of the requirements of subsection (a).

5           § -5 Hawaii grown origin products commission. (a)

6 There is established the Hawaii grown products commission that  
7 shall be attached to the department of agriculture for  
8 administrative purposes.

9           (b) The commission shall be composed of not less than  
10 eleven members as follows:

- 11           (1) One member shall be a marketer or employed by a  
12 marketer;
- 13           (2) One member shall be a processor or employed by a  
14 processor; and
- 15           (3) Nine members shall be growers from each of the Hawaii  
16 origin production areas for Hamakua, Kau, Kona, Puna,  
17 Volcano, Kauai, Molokai, Maui, and Oahu, provided that  
18 no more than one grower shall be engaged in the  
19 primary production of any one crop that is either  
20 actually or potentially to be designated as a Hawaii  
21 grown origin product.





- 1 (c) Each member shall:
- 2 (1) Be knowledgeable of the growing, production,
- 3 processing, and marketing of Hawaii grown origin
- 4 products;
- 5 (2) Have been a resident of the State for at least three
- 6 years prior to appointment to the commission; and
- 7 (3) Have actual experience growing, producing, marketing,
- 8 or processing Hawaii grown origin products.
- 9 (d) The qualifications for each member shall continue
- 10 throughout the member's respective term.
- 11 (e) The appointment, tenure, and removal of the members
- 12 and the filling of vacancies on the commission shall be as
- 13 provided in section 26-34; provided that appointments shall be
- 14 made in consultation with representative marketing and
- 15 processing interests with respect to the appointments in
- 16 subsection (c)(1) and (2), respectively, and in consultation
- 17 with agricultural nonprofit organizations representing the
- 18 specific origin production area from which each particular
- 19 grower representative is to be appointed with respect to
- 20 subsection (c)(3).



1 (f) The members shall elect a chairperson for a term of  
2 one year.

3 (g) The members shall serve without compensation but shall  
4 be reimbursed for travel and other necessary expenses in the  
5 performance of their official duties.

6 (h) A majority of members shall constitute a quorum for  
7 the transaction of business and the carrying out of the duties  
8 of the commission.

9 (i) The governor may for good cause, and the commission  
10 may by rule adopted in accordance with chapter 91, increase the  
11 numbers of its members to include representatives of growers,  
12 processors, or marketers of new Hawaii grown origin production  
13 areas; provided that at least two-thirds of all members of the  
14 commission shall be growers.

15 § -6 Responsibilities and duties of the commission. (a)

16 The commission shall adopt rules pursuant to chapter 91  
17 necessary to carry out the purposes of this chapter. The rules  
18 shall include:

- 19 (1) Application procedures and standards to identify  
20 additional Hawaii grown origin products and Hawaii  
21 origin production areas;



- 1           (2) Grades, standards, grade labels, and classifications  
2           of the minimum requirements for Hawaii grown origin  
3           products; provided that the provisions of the grades,  
4           standards, grade labels, and classifications shall:  
5           (A) Comply with applicable provisions of federal and  
6           state food, drug, and cosmetic acts; and  
7           (B) Reflect the agricultural, horticultural, or other  
8           interests of the State; and  
9           (3) Procedures for establishing a registration,  
10          inspection, verification, and certification program  
11          for the production and marketing of Hawaii origin  
12          products inside or outside of the State and further  
13          limiting a Hawaii origin production area designated in  
14          section -4(b); provided that any Hawaii origin product  
15          initially shall be packed in its Hawaii origin  
16          production area and no Hawaii origin product may be  
17          shipped from its Hawaii origin production area in bulk  
18          except as authorized by rule of the commission.  
19          (b) Minimum requirements for the grades, standards, grade  
20          labels, and classifications established for Hawaii grown origin  
21          products shall not be lower than those of any standardized



1 product for which a market has been established; provided that  
2 different minimum requirements may be applied to different types  
3 of processed Hawaii grown origin products; provided further  
4 that, unless specifically authorized by law, any fresh or  
5 processed Hawaii origin product shall contain at least ninety-  
6 five per cent of the product. For the purposes of this  
7 subsection, "standardized product" means a product that is  
8 sanitary and that has been demonstrated to be a commercially  
9 acceptable product of the class to which it belongs.

10 (c) The commission may adopt rules, pursuant to chapter  
11 91, that establish or require other hybrids or varieties of  
12 existing Hawaii grown origin products that may be developed and  
13 have characteristics similar to the existing Hawaii grown origin  
14 products.

15 § -7 Variances. The commission may grant a variance of  
16 the Hawaii origin production area requirements of this chapter  
17 to any producer who, prior to July 1, 2016, has produced,  
18 marketed, and labeled products designated under this chapter as  
19 Hawaii grown origin products; provided that no variance shall  
20 exceed two years.



1           §   -8   **Marketing of Hawaii grown origin products.**   The  
2   commission may develop and implement general and product-  
3   specific advertising and other marketing programs, conferences,  
4   events, and campaigns to promote Hawaii grown origin products.

5           §   -9   **Limitations of current Hawaii grown origin**  
6   **products; new Hawaii grown origin products.**   The commission may  
7   limit the use of the Hawaii grown origin products designation or  
8   authorize the inclusion of new Hawaii grown origin products or  
9   new varieties of Hawaii grown origin products based on the  
10   recommendations of the University of Hawaii college of tropical  
11   agriculture and human resources or other organizations within  
12   the University of Hawaii system, as designated by the president  
13   of the University of Hawaii, the Hawaii Farm Bureau Federation,  
14   and the Hawaii Farmers Union United.

15          §   -10   **Hawaii origin product certification or trademark;**  
16   **fee structure.**   (a)   The commission shall create, register, and  
17   license a certification or trademark for use on or in connection  
18   with the sale or promotion of any Hawaii origin product.

19           (b)   The commission shall adopt rules pursuant to chapter  
20   91 that establish fees for the use of the certification or  
21   trademark on Hawaii grown origin products, products containing



1 Hawaii grown origin products, and the packaging containing the  
2 Hawaii grown origin product; provided that fees for the use of  
3 the certification or trademark shall not exceed five cents per  
4 pound, or any portion thereof, of a Hawaii grown origin product  
5 with which the certification or trademark is used.

6 (c) The commission shall deposit revenues generated by  
7 fees established pursuant to subsection (c) into the Hawaii  
8 grown origin products special fund established pursuant to  
9 section -11.

10 § -11 Hawaii grown origin products special fund;  
11 established. (a) There is established in the state treasury  
12 the Hawaii grown origin products special fund, into which shall  
13 be deposited all fees collected from the use of the  
14 certification or trademark on Hawaii grown origin products,  
15 products containing Hawaii grown origin products, packaging  
16 containing the Hawaii grown origin products, and civil penalties  
17 collected pursuant to section -13; provided that the fund  
18 balance in the special fund shall not exceed \$ at the end  
19 of any fiscal year and any excess of that amount shall be  
20 transferred to the general fund; provided that any moneys lapsed  
21 to the general fund shall be deposited into a special account



1 and only be appropriated and expended for the purposes of  
2 supporting agricultural activities and programs in the State.

3 (b) Moneys in the Hawaii grown origin products special  
4 fund shall be expended by the commission to:

- 5 (1) Identify Hawaii grown origin production areas;
- 6 (2) Promote and protect Hawaii grown origin products; and
- 7 (3) Pay costs associated with monitoring the use of  
8 certifications and trademarks, prohibiting the  
9 unlawful or unauthorized use of certifications and  
10 trademarks, and enforcing rights in certifications and  
11 trademarks.

12 § -12 Criminal penalties. (a) It shall be unlawful for  
13 any person or entity to sell or offer for sale, either inside or  
14 outside the State, any product described, packaged, labeled, or  
15 otherwise identified as a Hawaii grown origin product unless the  
16 product has been designated as a Hawaii grown origin product  
17 pursuant to this chapter. Any person or entity that violates  
18 this subsection shall be guilty of a class C felony.

19 (b) Any person or entity that sells a Hawaii grown origin  
20 product in a manner in violation of any other section of this



1 chapter or rules adopted pursuant to this chapter shall be  
2 guilty of a misdemeanor.

3       § -13 Civil penalties; remedies. (a) The commission,  
4 after notice and opportunity for a hearing, may fine any person  
5 or entity that violates this chapter, or any rule adopted under  
6 this chapter, not more than \$5,000 for each separate offense.  
7 Each day or instance of violation shall constitute a separate  
8 offense. Any action taken to impose or collect the penalty  
9 provided for in this subsection shall be considered a civil  
10 action.

11       (b) Violation of this chapter or any rule adopted  
12 thereunder may be enjoined or abated in a suit filed in the  
13 circuit court with appropriate jurisdiction by the commission or  
14 the attorney general. The several circuit courts shall have  
15 jurisdiction to prevent and restrain violation of this chapter  
16 or any rule effective thereunder.

17       (c) Nothing in this section shall prohibit the county  
18 police departments and county prosecutors or state law  
19 enforcement agencies from investigating and enforcing criminal  
20 violations of this chapter."





1 SECTION 3. Section 147-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "agricultural commodity"  
3 to read as follows:

4 "Agricultural commodity" means fresh fruits and fresh  
5 vegetables of every kind and character<sup>[7]</sup> that are not  
6 designated a Hawaii grown origin product under chapter ,  
7 whether or not frozen or packed in ice, whether produced in the  
8 State or imported, nuts, and coffee, whether cherry or  
9 parchment, or green beans, which have been produced in the  
10 State, and raw unprocessed honey, whether produced in the State  
11 or imported."

12 SECTION 4. Section 147-2, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§147-2 Duties of department; violations; proceedings;  
15 penalties. [~~The~~] Except for matters subject to the control and  
16 regulation of the Hawaii grown origin products commission, the  
17 department shall administer and enforce this part and rules  
18 adopted by the department pursuant thereto.

19 The following penalties, remedies, procedures, and actions  
20 shall apply in instances of violations and complaints of



1 violations of this part, or of the rules adopted by the  
2 department under the authority of this part:

3 (1) Administrative penalty. The department may, after  
4 notice and opportunity for hearing, fine any person  
5 who violates this part or any rule adopted under this  
6 part, not more than \$1,000 for each separate offense.  
7 Each day or instance of violation shall constitute a  
8 separate offense. Any action taken to impose or  
9 collect the penalty provided for in this paragraph  
10 shall be considered a civil action;

11 (2) Nuisance may be enjoined, abated. Violation of this  
12 part or of any rule adopted thereunder is declared a  
13 public nuisance and may be enjoined or abated as such  
14 in a suit filed and prosecuted in the circuit court by  
15 the department or the attorney general. The several  
16 circuit courts are hereby vested with jurisdiction to  
17 prevent and restrain violation of this part or of any  
18 rule effective thereunder;

19 (3) Misdemeanor. Any person who violates this part or any  
20 rule adopted under this part shall be fined not more



1 than \$1,000 or imprisoned not more than one year, or  
2 both;

3 (4) The penalties and remedies prescribed in this section  
4 with respect to any violation mentioned in this  
5 section shall be concurrent and alternative and  
6 neither singly nor combined shall the same be  
7 exclusive and either singly or combined the same shall  
8 be cumulative with any and all other civil, criminal,  
9 or alternative rights, remedies, or penalties provided  
10 or allowed by law with respect to any such violation;  
11 and

12 (5) Nothing in this section shall prohibit the county  
13 police departments and county prosecutors or state law  
14 enforcement agencies from investigating and enforcing  
15 criminal violations of this chapter."

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

18 "§147-4 Rules. [The] Except for matters subject to the  
19 control and regulation of the Hawaii grown origin products  
20 commission, the department may make rules, subject to chapter  
21 91:



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



1           (5) Prescribing records to be kept in connection with  
2           purchases of agricultural commodities by persons,  
3           other than produce dealers purchasing from a producer  
4           or producers, for purposes of resale five or more tons  
5           of agricultural commodities during any one calendar  
6           month; and

7           (6) Prescribing records to be kept by produce dealers in  
8           connection with the purchase, sale, transport for  
9           sale, solicitation, or negotiation of sale with  
10          respect to an agricultural commodity.

11          In making the rules the department shall take into account,  
12          among other things, the factors of maturity, condition,  
13          soundness, color, shape, size, and freedom from defects of the  
14          agricultural commodity in question and shall also take into  
15          consideration the official standards, grades or classifications  
16          adopted by the secretary of the Department of Agriculture of the  
17          United States, commonly known as U.S. Grades."

18          SECTION 6. Section 147-21, Hawaii Revised Statutes, is  
19          amended by amending the definition of "agricultural commodity"  
20          to read as follows:



1        "\"Agricultural commodity\" means fruits, [+]vegetables[+],  
 2        nuts, coffee, and raw unprocessed honey[-] that are not  
 3        designated a Hawaii origin product under chapter .\"

4        SECTION 7. Section 147-22, Hawaii Revised Statutes, is  
 5        amended to read as follows:

6        "§147-22 Rules. [The] (a) Except for matters subject to  
 7        the control and regulation of the Hawaii grown origin products  
 8        commission, the department shall have the necessary powers to  
 9        carry out and effectuate the purposes of this part, including  
 10       the following:

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



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

18 (b) For the purposes of this section, "standardized  
19 product" means a product that is sanitary and that has been  
20 demonstrated to be a commercially acceptable product of the  
21 class to which it belongs."



1 SECTION 8. Section 147-23, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§147-23 Prohibited acts. (a) No commercial exporter  
4 shall ship any fresh or processed agricultural commodities to  
5 points outside the State unless such products meet the quality,  
6 condition, and labeling requirements of the rules adopted under  
7 this part[-] and chapter \_\_\_\_\_."

8 SECTION 9. Section 147-31, Hawaii Revised Statutes, is  
9 amended by amending the definition of "flowers and foliage" to  
10 read as follows:

11 "Flowers and foliage" means cut flowers, foliage, and  
12 plants with roots attached[-] that are not designated a Hawaii  
13 grown origin product under chapter \_\_\_\_\_."

14 SECTION 10. Section 147-32, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§147-32 Rules and regulations. The department of  
17 agriculture shall have the necessary powers to carry out and  
18 effectuate the purposes of this part, including the following:

19 [~~Te~~] Except as otherwise regulated by the Hawaii grown  
20 origin products commission, to establish, prescribe, modify, or  
21 alter, by rules and regulations, which shall have the force and





1 effect of law, grades, standards, and classifications for fresh  
2 and processed flowers and foliage, and minimum requirements for  
3 fresh and processed flowers and foliage destined for shipment by  
4 commercial exporters to points outside, and minimum requirements  
5 for containers, packing materials, methods of packing, and  
6 requirements for labeling to be used in packaging fresh and  
7 processed flowers and foliage destined for shipment by  
8 commercial exporters to points outside the State.

9       The department in establishing such rules and regulations  
10 shall consult with appropriate state and federal agencies and  
11 with any appropriate industry or trade organization. The  
12 grades, standards, classifications, minimum requirements for  
13 flowers and foliage and requirements for containers, packing  
14 material, methods of packing, and labeling shall be on the basis  
15 of what the department may deem best suited to the agricultural,  
16 horticultural, or other interests of the State."

17       SECTION 11. Section 147-51, Hawaii Revised Statutes, is  
18 amended by amending the definition of "food product" or  
19 "product" to read as follows:

20       "Food product" or "product" means, where not otherwise  
21 regulated by the Hawaii grown origin products commission, any



1 and all fruits, vegetables, nuts, and coffee, or part or parts  
2 thereof, produced and processed within the State, any and all  
3 honey produced and processed within the State or imported, and  
4 also any and all fish and fishery products processed within the  
5 State."

6 SECTION 12. Section 147-52, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§147-52 Grades, standards and classifications; changes.

9 The standards for grading and classifying food products that  
10 have been or may be hereafter adopted, prescribed, or announced  
11 by the United States Department of Agriculture or by or under  
12 authority of the Congress of the United States are hereby  
13 declared to be the official standards for grading and  
14 classifying such food products for the State; provided that,  
15 unless otherwise regulated by the Hawaii grown origin products  
16 commission, the department of agriculture may establish and  
17 prescribe other and different, or additional, standards for  
18 grading and classifying any such products, to the extent  
19 permitted by the laws of the United States, which standards, so  
20 established and prescribed by the department, shall be the  
21 official standards for grading and classifying any such food



1 products for the State. The department may also establish and  
2 prescribe official standards for grading and classifying any or  
3 all food products for which no standards have been adopted,  
4 prescribed, or announced by the United States Department of  
5 Agriculture or by or under authority of the Congress. The  
6 department may change any standards established and prescribed  
7 by it hereunder from time to time."

8 SECTION 13. Section 148-2, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§148-2 Rules and regulations. [~~¶~~] Except as otherwise  
11 regulated by the Hawaii grown origin products commission, to  
12 carry out and effectuate the purpose of this part, the  
13 department of agriculture may, subject to chapter 91, establish,  
14 prescribe, modify, or alter rules and regulations, which shall  
15 have the force and effect of law to control the advertisement of  
16 fresh fruits, fresh vegetables, or coffee including requirement  
17 for specifying size, grade, geographic origin, or quality, in  
18 conjunction with price.

19 The department in establishing such rules and regulations  
20 shall consult with appropriate state and federal agencies and  
21 with any appropriate industry or trade organization. The rules



1 and regulations for controlling advertising and requirements for  
2 specifying size, grade, geographic origin, or quality in  
3 conjunction with price shall be on the basis of what the  
4 department may deem best suited to the interest of the consumer,  
5 the producer, and the public."

6 SECTION 14. Section 148-61, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 " ~~[+]§148-61[+]~~ **Establishment of a seal of quality program.**  
9 ~~[There]~~ Except as otherwise regulated by the Hawaii grown origin  
10 products commission, there is established within the department  
11 of agriculture a seal of quality program, which may include a  
12 certificate of origin. This program shall establish official  
13 seals of quality for fresh and processed agricultural products  
14 that are produced within the State. The seals of quality may be  
15 in the form of seals, brands, labels, or trademarks."

16 SECTION 15. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so much  
18 thereof as may be necessary for fiscal year 2015-2016 and the  
19 same sum or so much thereof as may be necessary for fiscal year  
20 2016-2017 for deposit into the Hawaii grown origin products  
21 special fund.



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1 SECTION 16. There is appropriated out of the Hawaii grown  
 2 origin products special fund the sum of \$ or so much  
 3 thereof as may be necessary for fiscal year 2015-2016 and the  
 4 same sum or so much thereof as may be necessary for fiscal year  
 5 2016-2017 to implement this Act.

6 The sums appropriated shall be expended by the department  
 7 of agriculture for the purposes of this Act.


8 SECTION 17. If any provision of this Act, or the  
 9 application thereof to any person or circumstance, is held  
 10 invalid, the invalidity does not affect other provisions or  
 11 applications of the Act that can be given effect without the  
 12 invalid provision or application, and to this end the provisions  
 13 of this Act are severable.

14 SECTION 18. This Act does not affect rights and duties  
 15 that matured, penalties that were incurred, and proceedings that  
 16 were begun before its effective date.

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

19 SECTION 20. This Act shall take effect on July 1, 2015.

20

INTRODUCED BY: Nicole E. Lauer  
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*Richard Lopez*

JAN 27 2015



# H.B. NO. 1056

**Report Title:**

Agriculture; Regulation; Labeling; Hawaii Grown Origin Products Commission; Established

**Description:**

Establishes the Hawaii Grown Origin Products Commission to identify and regulate the labeling of selected products grown or produced in Hawaii. Establishes the Hawaii Grown Origin Products Special Fund. Makes appropriations.

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

