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# A BILL FOR AN ACT

RELATING TO FARMERS' MARKETS.

**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 agricultural products".

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 potentially  
14 misleading unassuming consumers.

15           The purpose of this Act is to ensure that consumers  
16 interested in purchasing Hawaii produce are aware of their  
17 options at farmers' markets by requiring:



- 1 (1) Hawaii fresh produce or items made with Hawaii grown  
2 produce to be displayed with a label or sign  
3 containing an identity statement declaring the Hawaii  
4 produce's county of geographic origin; and
- 5 (2) Non-Hawaii produce to be displayed with a label or  
6 sign containing an identity statement declaring the  
7 non-Hawaii produce "imported".

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

11 **"§486- Farmers' markets; Hawaii produce; imported**  
12 **produce.** (a) All Hawaii fresh produce or items made with  
13 Hawaii grown produce sold in a farmers' market shall be  
14 displayed with a label or sign that contains an identity  
15 statement declaring the Hawaii fresh produce's geographic  
16 origin. All non-Hawaii produce and items made with non-Hawaii  
17 produce shall be displayed with a label or sign that contains an  
18 identity statement declaring the non-Hawaii produce as  
19 "imported". Each word or character in the identity statement  
20 shall be of the same type size and shall be contiguous. The



1 identity statement shall be reasonably sized and conspicuously  
2 displayed near the produce or item being sold.

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

4 (1) Misrepresent on a label, on a sign, in an identity  
5 statement, or in advertising of fresh produce or items  
6 made with Hawaii grown produce in a farmers' market  
7 the geographic origin of the fresh produce; or

8 (2) Display, advertise, or sell fresh produce at a  
9 farmers' market without a conspicuously displayed  
10 label or sign containing an identity statement  
11 pursuant to this section.

12 (c) Sellers shall maintain, for a period of at least two  
13 years, records on the volume and geographic origin of fresh  
14 produce sold and any other records required by the department  
15 for the purpose of enforcing this section. Authorized employees  
16 of the department shall have access to the records during normal  
17 business hours.

18 (d) For purposes of this section:

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



1        "Geographic origin" means the county or counties of Hawaii  
2 in which the Hawaii produce was grown."

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

6        SECTION 4. New statutory material is underscored.

7        SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Department of Agriculture; Labeling; Farmers' Markets; Fresh Produce; Hawaii Produce; Imported Produce; Geographical Origin

**Description:**

Requires Hawaii fresh produce or items made with Hawaii grown produce sold at farmers' markets to be displayed with a label or sign containing an identity statement declaring the Hawaii produce's county of geographic origin. Requires non-Hawaii produce sold at farmers' markets to be displayed with a label or sign containing an identity statement declaring the produce "imported". Effective 07/01/2050. (SD2)

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