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# A BILL FOR AN ACT

RELATING TO FOOD.

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

1           SECTION 1. Chapter 328, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4                       "PART       .   COTTAGE FOOD OPERATIONS

5           §328-A Definitions. For purposes of this part, the  
6 following definitions shall apply:

7           "Cottage food operation" means an enterprise that is  
8 operated by a cottage food operator and produces non-potentially  
9 hazardous food products only in the home kitchen of the cottage  
10 food operator's private home or in a farm kitchen for direct  
11 sale to consumers pursuant to this part.

12           "Cottage food operator" means a person who operates a  
13 cottage food operation in the individual's private home kitchen  
14 or farm kitchen and who is the owner of the cottage food  
15 operation.

16           "Cottage food products" means non-potentially hazardous  
17 foods, including foods described in section 328-E, prepared for



1 sale in the home kitchen or farm kitchen of a cottage food  
2 operation.

3 "Department" means the department of health.

4 "Direct sale" means a transaction between a cottage food  
5 operator and a consumer, whereby the consumer purchases the  
6 cottage food product directly from the cottage food operation  
7 and not from a third party. The term includes but is not  
8 limited to transactions at holiday bazaars, bake sales, food  
9 swaps, or other temporary events; transactions at farm stands  
10 and farmers' markets; or transactions occurring in person at the  
11 site of the cottage food operation.

12 "Farm kitchen" means a kitchen that is designed for  
13 private, non-commercial use, is located in a building on a farm  
14 and not in a private home, complies with all applicable building  
15 and zoning laws, and is used by a cottage food operator for the  
16 production of cottage food products.

17 "Home kitchen" means a kitchen designed and intended for  
18 use by the residents of a private home but also used by a  
19 cottage food operator for the production of cottage food  
20 products. A home kitchen may contain one or more stoves, ovens,  
21 and other pieces of equipment designed for residential use as



1 allowed by county building ordinances. A home kitchen may also  
2 contain one or more pieces of equipment designed for commercial  
3 use if allowed by county building ordinances.

4 "Private home" means a dwelling, including an apartment or  
5 other leased space, where individuals reside. A private home  
6 may be used as a cottage food operation if the private home  
7 complies with all applicable county ordinances.

8 **§328-B Requirements for cottage food operations.** (a) A  
9 cottage food operation shall not be required to obtain a food  
10 establishment permit from the department but shall instead be  
11 required to obtain a cottage food operation permit as described  
12 in subsection (b).

13 (b) A cottage food operation shall apply for a permit as a  
14 cottage food operation, subject to the requirements under  
15 section 328-C.

16 (c) The department shall post the requirements for cottage  
17 food operations on its website.

18 (d) The department shall adopt rules pursuant to chapter  
19 91 for the purposes of this part.

20 **§328-C Cottage food operations; requirements; permit.** (a)  
21 A cottage food operation may engage only in direct sales of



1 cottage food products from the cottage food operation or other  
2 direct sales venues.

3 (b) The following requirements apply to cottage food  
4 operations:

5 (1) A cottage food operation shall not be open for  
6 business unless the cottage food operation has  
7 registered with the department and has submitted any  
8 additional information required by the department;

9 (2) The department shall issue a permit to a cottage food  
10 operation that meets the requirements of this section;  
11 and

12 (3) The cottage food permit shall authorize cottage food  
13 operators to engage in direct sale of their cottage  
14 food products at multiple locations. The cottage food  
15 permit shall be valid for one year after the date of  
16 issuance and shall enable cottage food operators to  
17 sell cottage food products for a three hundred sixty-  
18 five day period.

19 **§328-D Cottage food products; labeling requirements.** Any  
20 cottage food product produced by a cottage food operation shall  
21 be labeled as a cottage food product. The label shall be



1 displayed in a conspicuous place on the principal display area  
2 of the packaging or container, and shall contain, in at least  
3 twelve point type, the following:

- 4 (1) The words "Made in a Home or Farm Kitchen"; and
- 5 (2) Allergen identification information as specified under  
6 Section 403 of the Federal Food, Drug, and Cosmetic  
7 Act.

8 **§328-E Approved cottage food products.** (a) The  
9 department shall adopt and post on its website a sample list of  
10 non-potentially hazardous foods and their variations that may be  
11 offered for sale by a cottage food operation.

12 (b) The list of non-potentially hazardous foods shall be  
13 known as the approved cottage food products list. The following  
14 shall be representative of the types of approved cottage food  
15 products:

- 16 (1) Baked goods without cream, custard, or meat fillings,  
17 such as breads, biscuits, churros, cookies, pastries,  
18 cakes, and tortillas;
- 19 (2) Dried fruit;
- 20 (3) Dried pasta;
- 21 (4) Dry baking mixes;



- 1 (5) Dry herbs, herb blends, and seasoning blends,  
2 including seasoning salt;
- 3 (6) Fruit pies;
- 4 (7) Granola, dry cereal, and trail mixes;
- 5 (8) Jams, jellies, chutneys, preserves, and fruit butter;
- 6 (9) Nut mixes and nut butters;
- 7 (10) Popcorn;
- 8 (11) Roasted coffee and dried tea;
- 9 (12) Vinegar and mustard;
- 10 (13) Waffle cones and pizzelles;
- 11 (14) Cotton candy;
- 12 (15) Candied apples;
- 13 (16) Candy such as brittle and toffee;
- 14 (17) Chocolate-covered nonperishable foods, such as nuts  
15 and dried fruit;
- 16 (18) Confections such as salted caramel, fudge, marshmallow  
17 bars, chocolate-covered marshmallow, nuts, and hard  
18 candy, or any combination thereof;
- 19 (19) Flat icing, buttercream frosting, buttercream icing,  
20 buttercream fondant, and gum paste that does not  
21 contain eggs, cream, or cream cheese;



- 1 (20) Dried or dehydrated vegetables;
- 2 (21) Dried vegetarian-based soup mixes;
- 3 (22) Vegetable and potato chips;
- 4 (23) Ground chocolate;
- 5 (24) Shave ice;
- 6 (25) Doughnuts or andagi;
- 7 (26) Mochi;
- 8 (27) Poi; and
- 9 (28) Fermented foods."

10 SECTION 2. In codifying the new sections added by  
11 section 1 of this Act, the revisor of statutes shall substitute  
12 appropriate section numbers for the letters used in designating  
13 the new sections in this Act.

14 SECTION 3. This Act shall take effect on January 2, 2050.



**Report Title:**

Cottage Food; Cottage Food Operators; Cottage Food Operation;  
Permit; Department of Health

**Description:**

Requires cottage food operators, who produce non-potentially hazardous food products in a home kitchen or farm kitchen for direct sale to consumers, to obtain a cottage food operation permit from the department of health. Establishes labeling requirements. (SB379 HD1)

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

