
A BILL FOR AN ACT

RELATING TO FOOD.

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

1 Part I

2 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
3 amended by adding a new part to be appropriately designated and
4 to read as follows:

5 "PART . COTTAGE FOOD OPERATIONS

6 §321-A Definitions. For purposes of this part, the
7 following definitions shall apply:

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

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



1 "Cottage food products" means non-potentially hazardous
2 foods, including foods described in section 328-E, prepared for
3 sale in the home kitchen or farm kitchen of a cottage food
4 operation.

5 "Department" means the department of health.

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

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

19 "Home kitchen" means a kitchen designed and intended for
20 use by the residents of a private home but also used by a
21 cottage food operator for the production of cottage food



1 products. A home kitchen may contain one or more stoves, ovens,
2 and other pieces of equipment designed for residential use as
3 allowed by county building ordinances. A home kitchen may also
4 contain one or more pieces of equipment designed for commercial
5 use if allowed by county building ordinances.

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

10 **§321-B Requirements for cottage food operations.** (a) A
11 cottage food operation shall be required to obtain a food
12 establishment permit from the department.

13 (b) The department shall post the requirements for cottage
14 food operations on its website.

15 **§321-C Cottage food operations; requirements; permit; fee.**

16 (a) A cottage food operation may engage only in direct sales of
17 cottage food products from the cottage food operation or other
18 direct sales venues.

19 (b) The following requirements apply to cottage food
20 operations:



- 1 (1) A cottage food operation shall not be open for
2 business unless the cottage food operation has
3 registered with the department and has submitted any
4 additional information required by the department;
- 5 (2) The department shall issue a permit to a cottage food
6 operation that meets the requirements of this section;
7 and
- 8 (3) The cottage food permit shall authorize cottage food
9 operators to engage in direct sale of their cottage
10 food products at multiple locations. The cottage food
11 permit shall be valid for one year after the date of
12 issuance and shall enable cottage food operators to
13 sell cottage food products for a three hundred sixty-
14 five day period.
- 15 (c) Each cottage food operation shall specify in the
16 permit application the names of each of its cottage food
17 operators and shall submit proof of a valid food handlers
18 certificate for each cottage food operator.
- 19 (d) An application fee shall be collected by the
20 department with each permit application under this section. The
21 application fee shall be \$25.



1 **§321-D Cottage food products; labeling requirements.** Any
2 cottage food product produced by a cottage food operation shall
3 be labeled as a cottage food product. The label shall be
4 displayed in a conspicuous place on the principal display area
5 of the packaging or container, and shall contain, in at least
6 twelve point type, the following:

- 7 (1) The words "Made in a Home or Farm Kitchen" and "Not
8 inspected by the Department of Health";
9 (2) Allergen identification information as specified under
10 Section 403 of the Federal Food, Drug, and Cosmetic
11 Act; and
12 (3) Ingredients in order of predominance.

13 **§321-E Approved cottage food products.** (a) The
14 department shall adopt and post on its website a sample list of
15 non-potentially hazardous foods and their variations that may be
16 offered for sale by a cottage food operation.

17 (b) The list of non-potentially hazardous foods shall be
18 known as the approved cottage food products list. The following
19 shall be representative of the types of approved cottage food
20 products:



- 1 (1) Baked goods without cream, custard, or meat fillings,
- 2 such as breads, biscuits, churros, cookies, pastries,
- 3 cakes, and tortillas;
- 4 (2) Dried fruit;
- 5 (3) Dried pasta;
- 6 (4) Dry baking mixes;
- 7 (5) Dry herbs, herb blends, and seasoning blends,
- 8 including seasoning salt;
- 9 (6) Fruit pies;
- 10 (7) Granola, dry cereal, and trail mixes;
- 11 (8) Jams, jellies, chutneys, preserves, and fruit butter;
- 12 (9) Nut mixes and nut butters;
- 13 (10) Popcorn;
- 14 (11) Roasted coffee and dried tea;
- 15 (12) Vinegar and mustard;
- 16 (13) Waffle cones and pizzelles;
- 17 (14) Cotton candy;
- 18 (15) Candied apples;
- 19 (16) Candy such as brittle and toffee;
- 20 (17) Chocolate-covered nonperishable foods, such as nuts
- 21 and dried fruit;



- 1 (18) Confections such as salted caramel, fudge, marshmallow
- 2 bars, chocolate-covered marshmallow, nuts, and hard
- 3 candy, or any combination thereof;
- 4 (19) Flat icing, buttercream frosting, buttercream icing,
- 5 buttercream fondant, and gum paste that does not
- 6 contain eggs, cream, or cream cheese;
- 7 (20) Dried or dehydrated vegetables;
- 8 (21) Dried vegetarian-based soup mixes;
- 9 (22) Vegetable and potato chips;
- 10 (23) Ground chocolate;
- 11 (24) Shave ice;
- 12 (25) Doughnuts or andagi;
- 13 (26) Mochi;
- 14 (27) Poi; and
- 15 (28) Fermented foods."

16 Part II

17 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
18 amended by adding a new part to be appropriately designated and
19 to read as follows:

20 "PART . FOOD ESTABLISHMENT PERMIT



1 **§321- Food establishment permit.** (a) The department
2 shall issue food establishment permits notwithstanding any
3 provision of chapter 46 that may inhibit the issuance of such
4 permits.

5 (b) The department shall adopt rules pursuant to chapter
6 91 for the purposes of this part."

7 **Part III**

8 **SECTION 3.** In codifying the new sections added by
9 section 1 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 **SECTION 4.** This Act shall take effect on July 1, 2112;
13 provided that Part I of this Act shall take effect on July 1,
14 2015; provided further that part I of this Act shall be repealed
15 upon the adoption of rules by the department of health that
16 regulate the permitting of cottage food operations.

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. Requires the Department of Health to issue food establishment permits notwithstanding chapter 46, HRS. (SB379 HD2)

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