

JAN 25 2017

A BILL FOR AN ACT

RELATING TO DAIRY PRODUCERS.

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

1 SECTION 1. The legislature finds that consumers' food
2 preferences have shifted toward locally-produced food in recent
3 years. Additionally, many small farms have the capability and
4 desire to offer unpasteurized dairy products to consumers that
5 seek locally-produced dairy products. However, certain
6 regulations make the access to unpasteurized dairy products
7 difficult or prohibited.

8 The legislature further finds that thirty-five states
9 permit some form of sale or distribution of unpasteurized milk
10 for human consumption, twelve of which permit the sale of
11 unpasteurized milk in retail stores.

12 The legislature additionally finds that one way to meet the
13 demand for unpasteurized dairy products is through herdshare
14 programs through which customers who have purchased an ownership
15 interest in dairy animals or a herd of dairy animals can obtain
16 those products. The legislature also finds that herdshare
17 programs do not distribute unpasteurized milk to the general



1 public and that people who want to obtain unpasteurized milk
2 through a private contractual arrangement such as a herdshare
3 agreement should be able to do so.

4 The purpose of this Act is to increase access to dairy
5 products by permitting the establishment of herdshare programs.

6 SECTION 2. Chapter 157, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§157- Herdshare agreements. (a) Notwithstanding any
10 law to the contrary, the acquisition of unpasteurized milk or
11 unpasteurized milk products by a consumer pursuant to a
12 herdshare agreement shall not be prohibited.

13 (b) Under a herdshare agreement, a consumer shall:

14 (1) Acquire either an ownership interest or ownership
15 rights in a dairy animal;

16 (2) Agree to pay or reimburse the producer or producer's
17 designee for the care and boarding of a dairy animal
18 proportional to the consumer's ownership interest or
19 right in that animal;



1 (3) Be entitled to receive a proportional share of the
2 unpasteurized milk production of a dairy animal as
3 provided in the herdshare agreement; and

4 (4) Sign a waiver of understanding that unpasteurized milk
5 and unpasteurized milk products are not pasteurized.

6 (c) No consumer shall sell or resell unpasteurized milk or
7 unpasteurized milk products obtained through a herdshare
8 agreement.

9 (d) No producer of unpasteurized milk shall publish any
10 statement that implies approval or endorsement by the department
11 of health.

12 (e) As used in this section:

13 (1) "Dairy animal" includes but is not limited to cows,
14 goats, and sheep;

15 (2) "Unpasteurized milk" means milk from a dairy animal
16 that has:

17 (A) Not been heated; or

18 (B) Been heated:

19 (i) To a temperature; or

20 (ii) For a time,



1 that is less than what is required for
 2 pasteurization under the definition of
 3 "pasteurized milk" in section 157-1.

4 (3) "Unpasteurized milk products" means cream, butter,
 5 yogurt, or any other product made from unpasteurized
 6 milk."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 1167

Report Title:

Dairy Products; Unpasteurized Milk; Herdshare Agreements

Description:

Allows consumers to obtain unpasteurized milk by entering herdshare agreements with producers.

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