

JAN 20 2017

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 157, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§157- Raw milk; subscription program. (a) The
5 acquisition of raw milk or raw milk products by a consumer shall
6 not be prohibited if acquired properly through a raw milk
7 subscription program.

8 (b) Subscribers to a raw milk subscription program shall:

9 (1) Sign a waiver of understanding that raw milk and raw
10 milk products are not pasteurized; and

11 (2) Sign a pledge to buy a portion of the future
12 production of raw milk or raw milk products by a
13 specific registered Hawaii raw milk producer.

14 (c) Farms or dairies that sell raw milk or raw milk
15 products to consumers through a raw milk subscription program
16 shall:



- 1 (1) Register annually with the State as a Hawaii raw milk
2 producer by delivering to the department of health a
3 written statement containing:
- 4 (A) The name of the farm or dairy;
5 (B) A valid, current address of the farm or dairy;
6 (C) A statement that raw milk or raw milk products
7 are being produced at the farm or dairy;
8 (D) A statement specifying that the farm or dairy is
9 part of a raw milk subscription program with the
10 intent to sell raw milk or raw milk products to
11 subscribers; and
- 12 (E) A declaration that the farm or dairy intends to
13 produce raw milk or raw milk products in
14 accordance with good agricultural practices;
- 15 (2) Only sell raw milk and raw milk products to
16 subscribers who have met the requirements of
17 subsection (b);
- 18 (3) Label the container used to deliver raw milk or raw
19 milk products to the subscriber with the name and
20 address of the farm or dairy delivering the container;



1 (4) Maintain records that document each subscriber that is
2 a member of the farm or dairy's raw milk subscription
3 program, including record of the documents signed by
4 the subscriber pursuant to subsection (b); and

5 (5) Maintain records that document the sale, contents, and
6 origin of all raw milk and raw milk products included
7 in each container delivered to a subscriber.

8 (d) The department shall issue raw milk subscription
9 program permits to farms and dairies that fulfill the
10 registration requirements of subsection (c). Farms and dairies
11 shall not sell raw milk or raw milk products through a raw milk
12 subscription program until receiving a raw milk subscription
13 program permit from the department.

14 (e) The department may collect an annual fee to cover the
15 cost of administering permits to register Hawaii raw milk
16 producers pursuant to this section.

17 (f) No person who, as a consumer, acquires raw milk or raw
18 milk products in accordance with this section shall be entitled
19 to sell or redistribute raw milk or raw milk products.



1 (g) No producer of raw milk or raw milk products shall
2 publish any statement that implies approval or endorsement of
3 raw milk or raw milk products by the department of health.

4 (h) For the purposes of this section, unless the context
5 clearly indicates otherwise:

6 "Raw milk" means the lacteal secretion that comes straight
7 out of a mammal and has not been pasteurized or homogenized.

8 "Raw milk products" means any food that contains raw milk
9 and shall include but not be limited to butter, cheese, cottage
10 cheese, cream, and kefir.

11 "Raw milk subscription program" means a program under which
12 a registered Hawaii raw milk producer produces raw milk or raw
13 milk products for a group of consumer subscribers who pledge or
14 contract to buy a portion of the future production of raw milk
15 or raw milk products by a registered Hawaii raw milk producer."

16 SECTION 2. Section 157-21, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§157-21 Licensing.** [~~It~~] Except as provided in section
19 157- , it shall be unlawful for any producer, producer-
20 distributor, or distributor to produce, sell, process, or
21 distribute milk in a milk shed unless the person is duly



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1 licensed as provided by this chapter. It shall be unlawful for
2 any such person to sell, buy, process, or distribute milk which
3 the person knows or has reason to believe has been produced or
4 handled in violation of this chapter."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Smith*

Will Eyo
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Report Title:

Raw Milk; Raw Milk Products; Raw Milk Subscription Program;
Agriculture

Description:

Permits the acquisition of raw milk and raw milk products by consumers through a raw milk subscription program if certain conditions are met. Requires program subscribers to sign a waiver of understanding that raw milk and raw milk products are not pasteurized. Requires farms and dairies producing raw milk or raw milk products to register annually with the department of health as Hawaii raw milk producers and receive a raw milk subscription program permit before selling or distributing raw milk or raw milk products.

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