

MAR 10 2017

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# SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO ADOPT RULES TO ALLOW COTTAGE  
FOOD OPERATORS TO LEGALLY OPERATE IN THE STATE OF HAWAII.

1           WHEREAS, many states have cottage food laws and regulations  
2 that govern home-based food production operations; and  
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4           WHEREAS, these laws and regulations allow a person to  
5 prepare food products, including baked goods, jams, jellies,  
6 preserves, chocolates, and spice rubs from the home kitchen of a  
7 domestic residence and sell them directly to consumers; and  
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9           WHEREAS, studies have been conducted across the United  
10 States indicating minimal risk to the public associated with  
11 cottage food operations, profits are reinvested in the local  
12 community, and the operations serve as incubators for business  
13 development; and  
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15           WHEREAS, Hawaii is one of three states that does not  
16 provide exemptions to allow cottage food operations to function  
17 in the state legally; and  
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19           WHEREAS, the establishment and implementation of Hawaii  
20 Department of Health regulations on the cottage food industry  
21 would allow cottage food operations to legally operate in the  
22 State of Hawaii; now, therefore,  
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24           BE IT RESOLVED by the Senate of the Twenty-ninth  
25 Legislature of the State of Hawaii, Regular Session of 2017, the  
26 House of Representatives concurring, that the Department of  
27 Health is urged to adopt and implement rules on the cottage food  
28 industry to allow cottage food operations to legally operate in  
29 the State of Hawaii; and  
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31           BE IT FURTHER RESOLVED that the Department of Health is  
32 urged to define a cottage food operation as those home-based



1 food production businesses that have an annual gross income of  
2 \$50,000 or less; and  
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4 BE IT FURTHER RESOLVED that the Department of Health is  
5 urged to create a list of non-potentially hazardous foods  
6 representative of the types of approved cottage food products to  
7 be considered part of an approved cottage food products list and  
8 to include:  
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- 10 (1) Candy;
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- 12 (2) Canned jams and jellies;
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- 14 (3) Cereal, including granola;
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- 16 (4) Chocolate-covered nonperishable foods such as nuts and  
17 dried fruit; and confections such as salted caramel,  
18 fudge, marshmallows, marshmallow bars, hard candy, or  
19 any combination thereof;
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- 21 (5) Coated and uncoated nuts;
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- 23 (6) Dehydrated fruits and vegetables including dried  
24 beans;
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- 26 (7) Doughnuts or andagi;
- 27
- 28 (8) Dried fruit;
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- 30 (9) Dried herbs or herb mixes;
- 31
- 32 (10) Dry mixes;
- 33
- 34 (11) Flat icing, buttercream frosting, buttercream icing,  
35 buttercream fondant, and gum paste that does not  
36 contain eggs, cream, or cream cheese;
- 37
- 38 (12) Fruit butters;
- 39
- 40 (13) Fruit pies;
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- 42 (14) Ground chocolate;



- 1
- 2 (15) Mochi;
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- 4 (16) Mustard;
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- 6 (17) Pickles;
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- 8 (18) Poi;
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- 10 (19) Popcorn and popcorn snacks;
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- 12 (20) Roasted coffee or dry tea;
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- 14 (21) Shave ice;
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- 16 (22) Unroasted nut butters; and
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- 18 (23) Vinegar; and
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20 BE IT FURTHER RESOLVED that the Department of Health is  
21 urged to prohibit cottage food operations from selling foods  
22 that require time and temperature control to limit pathogen  
23 growth or toxin production such as:

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- 25 (1) Foods that must be held under proper temperature  
26 controls, such as refrigeration, to prevent the growth  
27 of bacteria that may cause human illness; and
- 28
- 29 (2) Foods that contain protein and moisture and is neutral  
30 or slightly acidic, such as meat, poultry, fish, and  
31 shellfish products, pasteurized and unpasteurized milk  
32 and dairy products, raw seed sprouts, baked goods that  
33 require refrigeration, including cream or custard pies  
34 or cakes, and ice products;
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36 provided that if the final food product does not require time or  
37 temperature control it may be allowed for sale; and

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39 BE IT FURTHER RESOLVED that the Department of Health is  
40 urged to require that:

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- 1 (1) A cottage food operation apply for a permit and pay a  
2 fee every two years;
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- 4 (2) Prior to obtaining its first permit, a cottage food  
5 operation successfully complete a basic food training  
6 program, which includes curriculum on food safety;
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- 8 (3) The basic food training program include curriculum on  
9 how to properly package and label food; and
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- 11 (4) Cottage food operations label each food item; and
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13 BE IT FURTHER RESOLVED that the Department of Health is  
14 urged to require that food labels be legible and include:

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- 16 (1) The name and physical address of where the cottage  
17 food was produced;
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- 19 (2) The common or usual name of the food product;
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- 21 (3) A list of ingredients, if a food is made with a major  
22 allergen such as eggs, nuts, soy, peanuts, milk, or  
23 wheat; and
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- 25 (4) The following statement: "This food was made in a  
26 home kitchen and was not inspected by the Hawaii State  
27 Department of Health"; and
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29 BE IT FURTHER RESOLVED that the Department of Health is  
30 urged to allow cottage food operators to sell food on the  
31 approved cottage food products list at the cottage operator's  
32 home, a farmer's market, a farm stand, or a municipal, county,  
33 or non-profit fair, festival, or event but not at privately  
34 sponsored public events, including craft fairs and flea markets;  
35 and

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37 BE IT FURTHER RESOLVED that the Department of Health allow  
38 cottage food operators to have a website, Facebook page, Twitter  
39 account, and other social media accounts to promote their  
40 operation; provided that cottage food operators not be allowed  
41 to sell cottage food products through the internet; and

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# S.C.R. NO. 159

1 BE IT FURTHER RESOLVED that a certified copy of this  
 2 Concurrent Resolution be transmitted to the Director of Health.  
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OFFERED BY: 

  


  


  




  




