

JAN 24 2018

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# A BILL FOR AN ACT

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RELATING TO AGRICULTURE.

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

1       SECTION 1.   Section 165-2, Hawaii Revised Statutes, is  
2   amended by adding a new definition to be appropriately inserted  
3   and to read as follows:

4       "Subsistence farming" means a farming operation primarily  
5   for direct personal or family consumption and not for commercial  
6   purposes."

7       SECTION 2.   Section 165-2, Hawaii Revised Statutes, is  
8   amended by amending the definition of "farming operation" to  
9   read as follows:

10      "Farming operation" means a commercial agricultural,  
11   silvicultural, or aquacultural facility or pursuit conducted, in  
12   whole or in part, including the care and production of livestock  
13   and livestock products, poultry and poultry products, apiary  
14   products, and plant and animal production for nonfood uses; the  
15   planting, cultivating, harvesting, and processing of crops; and  
16   the farming or ranching of any plant or animal species in a



1 controlled salt, brackish, or freshwater environment. "Farming  
2 operation" includes but shall not be limited to:

- 3 (1) Agricultural-based commercial operations as described  
4 in section [†]205-2(d)(15) [†];
- 5 (2) Noises, odors, dust, and fumes emanating from a  
6 commercial agricultural or an aquacultural facility or  
7 pursuit;
- 8 (3) Operation of machinery and irrigation pumps;
- 9 (4) Ground and aerial seeding and spraying;
- 10 (5) The application of chemical fertilizers, conditioners,  
11 insecticides, pesticides, and herbicides; ~~and~~
- 12 (6) The employment and use of labor~~[-]~~; and
- 13 (7) Subsistence farming.

14 A farming operation that conducts processing operations or salt,  
15 brackish, or freshwater aquaculture operations on land that is  
16 zoned for industrial, commercial, or other nonagricultural use  
17 shall not, by reason of that zoning, fall beyond the scope of  
18 this definition; provided that those processing operations form  
19 an integral part of operations that otherwise meet the  
20 requirements of this definition."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.  
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# S.B. NO. 2981

**Report Title:**

Hawaii Right to Farm Act; Subsistence Farming

**Description:**

Clarifies that "subsistence farming" is included as a protected activity under the Hawaii Right to Farm Act.

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

