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## A BILL FOR AN ACT

RELATING TO THE "MADE IN HAWAII" PROGRAM.

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

1           SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4                                   "CHAPTER

5                                   HAWAII MADE PRODUCTS

6           § -1 Hawaii-made products; Hawaii-processed products.

7           (a) The department of commerce and consumer affairs shall  
8 enforce this chapter.

9           (b) No person shall:

10           (1) Keep, offer, display or expose for sale, or solicit  
11 for the sale of any item, product, souvenir, or other  
12 merchandise that:

13                   (A) Is labeled "made in Hawaii"; or

14                   (B) By any other means misrepresents the origin of  
15 the item as being from any place within the  
16 State, or uses the phrase "made in Hawaii" as an  
17 advertising or media tool,



1 for any product that has not been manufactured, assembled,  
2 fabricated, or produced within the State and that has not had at  
3 least fifty-one per cent of its wholesale value added by  
4 manufacture, assembly, fabrication, or production within the  
5 State.

6 (c) Subsection (b) notwithstanding, no person shall keep,  
7 offer, display, expose for sale, or solicit the sale of any  
8 perishable consumer commodity that is labeled "made in Hawaii",  
9 "produced in Hawaii", or "processed in Hawaii" or that by any  
10 other means represents the origin of the perishable consumer  
11 commodity as being from any place within the State, or use the  
12 phrase "made in Hawaii", "produced in Hawaii", or "processed in  
13 Hawaii" as an advertising or media tool for any perishable  
14 consumer commodity, unless the perishable consumer commodity is  
15 wholly or partially manufactured, processed, or produced within  
16 the State from raw materials that originate from inside or  
17 outside the State and at least fifty-one per cent of the  
18 wholesale value of the perishable consumer commodity is added by  
19 manufacture, processing, or production within the State.

20 (d) Any person who violates subsection (c) shall be deemed  
21 to have engaged in an unfair or deceptive act or practice in the



1 conduct of any trade or commerce within the meaning of section  
2 480-2."

3 SECTION 2. Section 201-3.5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§201-3.5 [~~"Hawaii-Made"~~] "Made in Hawaii" program for  
6 manufactured products oversight; [~~"Hawaii-Made"~~] "Made in  
7 Hawaii" trademark. (a) The department of business, economic  
8 development, and tourism shall administer and oversee a [~~"Hawaii~~  
9 ~~Made"~~] "Made in Hawaii" program for manufactured products and  
10 shall hold ownership of the [~~"Hawaii-Made"~~] "Made in Hawaii"  
11 trademark.

12 (b) For purposes of this section, the department of  
13 business, economic development, and tourism shall:

14 (1) Promote consumer demand for [~~"Hawaii-Made"~~] "Made in  
15 Hawaii" products;

16 (2) Coordinate manufacturing of [~~"Hawaii-Made"~~] "Made in  
17 Hawaii" products;

18 (3) Coordinate and promote distribution channels for  
19 [~~"Hawaii-Made"~~] "Made in Hawaii" products;



1 (4) Ensure that appropriate patents and copyrights are  
2 acquired for [~~"Hawaii Made"~~] "Made in Hawaii"  
3 products; and

4 (5) Identify new funding opportunities to promote the  
5 expansion of [~~"Hawaii Made"~~] "Made in Hawaii"  
6 products.

7 [~~(c) No person shall:~~

8 ~~(1) Keep, offer, display or expose for sale, or solicit~~  
9 ~~for the sale of any item, product, souvenir, or other~~  
10 ~~merchandise that:~~

11 ~~(A) Is labeled "Hawaii Made", or~~

12 ~~(B) By any other means, represents the origin of the~~  
13 ~~item as being from any place within the State, or~~

14 ~~(2) Use the phrase "Hawaii Made" as an advertising or~~  
15 ~~media tool,~~

16 ~~for any item that has not been manufactured, assembled,~~  
17 ~~fabricated, or produced within the State and that has not had at~~  
18 ~~least fifty one per cent of its wholesale value added by~~  
19 ~~manufacture, assembly, fabrication, or production within the~~  
20 ~~State, including Hawaii sourced goods, services, and~~  
21 ~~intellectual property.] "~~



1 SECTION 3. Section 486-119, Hawaii Revised Statutes, is  
2 repealed.

3 [~~§486-119 Hawaii-made products; Hawaii-processed~~  
4 ~~products.~~ (a) ~~No person shall keep, offer, display or expose~~  
5 ~~for sale, or solicit for the sale of any item, product,~~  
6 ~~souvenir, or any other merchandise that is labeled "made in~~  
7 ~~Hawaii" or that by any other means misrepresents the origin of~~  
8 ~~the item as being from any place within the State, or uses the~~  
9 ~~phrase "made in Hawaii" as an advertising or media tool for any~~  
10 ~~craft item that has not been manufactured, assembled,~~  
11 ~~fabricated, or produced within the State and that has not had at~~  
12 ~~least fifty one per cent of its wholesale value added by~~  
13 ~~manufacture, assembly, fabrication, or production within the~~  
14 ~~State.~~

15 (b) ~~Subsection (a) notwithstanding, no person shall keep,~~  
16 ~~offer, display, expose for sale, or solicit the sale of any~~  
17 ~~perishable consumer commodity that is labeled "made in Hawaii",~~  
18 ~~"produced in Hawaii", or "processed in Hawaii" or that by any~~  
19 ~~other means represents the origin of the perishable consumer~~  
20 ~~commodity as being from any place within the State, or use the~~  
21 ~~phrase "made in Hawaii", "produced in Hawaii", or "processed in~~



1 ~~Hawaii" as an advertising or media tool for any perishable~~  
2 ~~consumer commodity, unless the perishable consumer commodity is~~  
3 ~~wholly or partially manufactured, processed, or produced within~~  
4 ~~the State from raw materials that originate from inside or~~  
5 ~~outside the State and at least fifty one per cent of the~~  
6 ~~wholesale value of the perishable consumer commodity is added by~~  
7 ~~manufacture, processing, or production within the State." ]~~

8 SECTION 4. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$150,000 or so much  
10 thereof as may be necessary for fiscal year 2022-2023 for  
11 oversight and administration of the "Made in Hawaii" program and  
12 for the department of business, economic development and tourism  
13 to promote the "Made in Hawaii" brand.

14 The sum appropriated shall be expended by the department of  
15 business, economic development and tourism for the purposes of  
16 this Act.

17 SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19



# H.B. NO. 2227

1 SECTION 6. This Act shall take effect upon its approval;  
2 provided that section 4 of this Act shall take effect on July 1,  
3 2022.

4

INTRODUCED BY: \_\_\_\_\_



JAN 25 2022



# H.B. NO. 2227

**Report Title:**

Hawaii-Made Products; Hawaii-Processed Products; Enforcement; Department of Commerce and Consumer Affairs; "Hawaii Made" Program; Department of Business, Economic Development, and Tourism; Appropriation

**Description:**

Transfers the enforcement of the "Made in Hawaii" trademark from the Department of Agriculture to the Department of Commerce and Consumer Affairs. Renames the "Hawaii Made" program to the "Made in Hawaii" program. Makes an appropriation.

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

