
SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY ON THE "MADE IN HAWAII" AND "HAWAII MADE" BRANDS AND PREPARE A PLAN TO ENCOURAGE AND ENFORCE THE USE OF THOSE BRANDS.

1 WHEREAS, the Legislature enacted Act 153, Session Laws of
2 Hawaii 1991 (Act 153), that updated chapter 486, Hawaii Revised
3 Statutes, relating to measurement standards, to bring its
4 provisions into alignment with national consensus standards for
5 uniformity in weights and measures; and
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7 WHEREAS, Act 153, in part, enacted a new provision on the
8 place-of-origin labeling of Hawaii-made products; specifically,
9 this provision prohibited the possession or sale of any
10 merchandise labeled "Made in Hawaii" that was not manufactured,
11 assembled, fabricated, or produced with the State and did not
12 have at least fifty-one percent of its wholesale value added by
13 manufacture, assembly, fabrication, or production within the
14 State; and
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16 WHEREAS, to enforce this statutory provision, the "Made in
17 Hawaii" branding program, along with a corresponding trademark,
18 was created within the Department of Agriculture to protect the
19 integrity and value of authentic Hawaii-branded products; to
20 regulate products that were made elsewhere but deceptively
21 contain "Made in Hawaii" labels; and to ensure that Hawaii's
22 locally manufactured and agricultural products can continue to
23 be effectively marketed, identified, and promoted across the
24 world; and
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26 WHEREAS, as an integral part of the State's economic
27 development strategy, the Legislature passed Act 2, Special
28 Session Laws of Hawaii 2021, which, in part, created the "Hawaii
29 Made" program for manufactured products from a place-of-origin
30 within the State to be administered by the Department of
31 Business, Economic Development, and Tourism; and
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1 WHEREAS, concerns have been raised regarding an overlap of
2 jurisdictions between the "Hawaii Made" program and its
3 corresponding brand, which is administered by the Department of
4 Business, Economic Development, and Tourism, and the "Made in
5 Hawaii" program and its corresponding "Made in Hawaii with
6 Aloha" brand, which is administered by the Department of
7 Agriculture; and

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9 WHEREAS, though Act 2 required that the Department of
10 Business, Economic Development, and Tourism shall hold ownership
11 of the "Hawaii Made" trademark, the department does not
12 currently have any statutory authority to enforce the trademark;
13 and

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15 WHEREAS, additional clarification is needed to determine:

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17 (1) The purpose and scope of the "Hawaii Made" program in
18 relation to the "Made in Hawaii" program; and

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20 (2) The proper enforcement procedures and responsibilities
21 relating to the "Hawaii Made" program; now, therefore,

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23 BE IT RESOLVED by the Senate of the Thirty-first
24 Legislature of the State of Hawaii, Regular Session of 2022,
25 that the Department of Business, Economic Development, and
26 Tourism is requested to conduct a study on the "Made in Hawaii"
27 and "Hawaii Made" brands; and

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29 BE IT FURTHER RESOLVED that the study:

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31 (1) Summarize and assess previous work relating to the
32 "Hawaii Made" and "Made in Hawaii" brands to identify
33 significant areas for improvement, increased
34 effectiveness, and flexibility of use;

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36 (2) Assess and compare the current and potential value of
37 using the "Hawaii Made" and "Made in Hawaii" brands to
38 determine which option provides the most benefits to
39 Hawaii manufacturers; and

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1 (3) Review best practices that could serve as a model to
2 promote and enforce viable "Hawaii Made" and "Made in
3 Hawaii" brands; and
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5 BE IT FURTHER RESOLVED that the Department of Business,
6 Economic Development, and Tourism is further requested to
7 prepare a plan to encourage and enforce the use of the "Hawaii
8 Made" and "Made in Hawaii" brands; and
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10 BE IT FURTHER RESOLVED that in preparing the plan the
11 Department is requested to:

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13 (1) Develop a "Hawaii Made" brand look and mark that:

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15 (A) Incorporates cultural values;

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17 (B) Is sensitive to the concerns of the broader
18 community of stakeholders; and
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20 (C) Is marketable, locally, nationally, and
21 internationally;
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23 (2) Determine proper and effective enforcement procedures
24 and responsibilities, including inspections,
25 investigative and subpoena powers, citations, fines,
26 and injunctive relief, for the "Hawaii Made" brand;
27 and
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29 (3) Determine incentives, such as tax credits, grants, and
30 promotional support, that would compel Hawaii
31 companies to become certified as companies that
32 produce "Hawaii Made", or "Made in Hawaii" branded
33 products, or both; and
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35 BE IT FURTHER RESOLVED that the Department of Business,
36 Economic Development, and Tourism is also requested to submit a
37 report of its findings and recommendations, including any
38 proposed legislation, to the Legislature no later than twenty
39 days prior to the convening of the regular session of 2023; and
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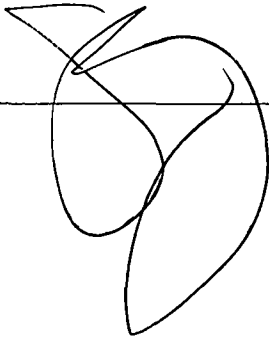


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1 BE IT FURTHER RESOLVED that a certified copy of this
2 Resolution be transmitted to the Director of the Department of
3 Business, Economic Development, and Tourism.

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OFFERED BY: _____

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