



# GOV. MSG. NO. 1300

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 3, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2024, the following bill was signed into law:

HB2278 HD2 SD3 CD1

RELATING TO LABELING OF MACADAMIA  
NUTS.  
**ACT 199**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

**H.B. NO.** 2278  
H.D. 2  
S.D. 3  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO LABELING OF MACADAMIA NUTS.

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

1           SECTION 1. The legislature finds that Hawaii-grown  
2 commodities are an important sector of Hawaii's economy, and the  
3 branding of such commodities is critical to protect and  
4 safeguard consumers from fraudulent representations of the  
5 commodity's geographic origin. The macadamia nut production  
6 industry in Hawaii is one such example. According to statistics  
7 from the United States Department of Agriculture National  
8 Agricultural Statistics Service, the value of the macadamia nut  
9 crop in Hawaii in 2022 totaled \$33,200,000.

10           The legislature further finds that macadamia nuts are a  
11 popular ingredient incorporated into a variety of products, such  
12 as breads, cookies, energy bars, and other baked goods, candies,  
13 milk, and ice cream. In such products, macadamia nuts are not  
14 the main product, rather macadamia nuts are a part of another  
15 product. The legislature notes that it is not the intent of  
16 this Act to extend any labeling requirements to these products.



1           Accordingly, the purpose of this Act is to enhance,  
2 preserve, and protect the premium brand of Hawaii-grown  
3 macadamia nuts by providing clarity under the labeling  
4 requirements for macadamia nuts, including adding a statement  
5 indicating that a product may contain macadamia nuts grown  
6 outside Hawaii.

7           SECTION 2. Section 486-120.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§486-120.5 Macadamia nuts; labeling requirements.** (a)

10 If a label on a consumer package contains language that all of  
11 the raw or processed macadamia nuts contained in the package  
12 were grown in [~~Hawaii,~~] the State, the label shall be worded,  
13 "100% Hawaii-Grown Macadamia Nuts", "Hawaii-Grown Macadamia  
14 Nuts", "100% Hawaiian Macadamia Nuts", or "Hawaiian Macadamia  
15 Nuts", and shall appear on the principal display panel of the  
16 package.

17           (b) If [~~a label on~~] a [~~consumer package~~] product contains  
18 [~~language that a portion of the~~] raw or processed macadamia nuts  
19 [~~contained in the package was~~] grown [~~in Hawaii,~~] outside the  
20 State, the product shall have a label [~~shall be worded "Hawaii-~~  
21 ~~Grown Macadamia Nuts", preceded by the per cent by weight of the~~



1 ~~macadamia nuts contained in the package that were grown in~~  
2 ~~Hawaii, and shall appear on the principal display panel of the~~  
3 ~~package. The per cent by weight of the macadamia nuts in the~~  
4 ~~package shall be the percentage calculated by dividing the~~  
5 ~~weight in pounds of the macadamia nuts grown in Hawaii that are~~  
6 ~~in the package by the weight in pounds of all macadamia nuts in~~  
7 ~~the package and multiplying the quotient by one hundred.] that~~  
8 includes the following statement: "This product contains  
9 macadamia nuts grown outside Hawai'i."

10 (c) All nonconsumer packages containing macadamia nuts  
11 grown in the State and introduced into intrastate or interstate  
12 commerce shall bear on the package a label containing language  
13 that the package contains Hawaii-grown macadamia nuts. This  
14 label shall be in addition to all other labeling requirements  
15 specified in this chapter.

16 (d) Any person keeping, offering, displaying, exposing for  
17 sale, or soliciting for sale, any raw or processed macadamia nut  
18 product [~~which~~] that represents or [~~which~~] is branded or  
19 labeled that all [~~or a percentage~~] or portion of the macadamia  
20 nuts were grown in [~~Hawaii~~] the State, shall make available to  
21 the administrator, upon demand, documented proof that the amount



1 of macadamia nuts represented to be grown in the State, was  
2 grown in the State.

3 (e) It shall be a violation of this part[+] to use a  
4 label:

5 (1) [~~To use a label containing~~] Containing the words,  
6 "100% Hawaii-Grown Macadamia Nuts", "Hawaii-Grown  
7 Macadamia Nuts", "100% Hawaiian Macadamia Nuts", or  
8 "Hawaiian Macadamia Nuts", or similar wording, or to  
9 otherwise represent that all of the macadamia nuts in  
10 the package were grown in [~~Hawaii,~~] the State, if any  
11 portion of the macadamia nuts contained in the package  
12 was not grown in the State;

13 (2) [~~To use a label, as~~] As provided for under subsection  
14 (b), [~~containing~~] without the words [~~"Hawaii-Grown~~  
15 ~~Macadamia Nuts" preceded by a percentage, if less than~~  
16 ~~the specified percentage or none of the macadamia nuts~~  
17 ~~in the package was grown in the State;~~] "This product  
18 contains macadamia nuts grown outside Hawai'i."; or

19 (3) [~~To use a label representing~~] Representing that any of  
20 the macadamia nuts contained in the package was grown



1 in the State, if none of the macadamia nuts contained  
2 in the package was grown in the State.

3 (f) Any person who violates this section shall be subject  
4 to penalties under section 486-32.

5 (g) This section shall not apply to products that contain  
6 any other ingredient, except seasonings and flavorings, in  
7 addition to macadamia nuts.

8 (h) If this section or any provision of this section  
9 conflicts at any time with federal law, then the federal law  
10 shall prevail and this section or the relevant provisions of  
11 this section shall become ineffective and invalid. The  
12 ineffectiveness or invalidity of this section or any of its  
13 provisions shall not affect any other provisions or applications  
14 of this chapter which shall be given effect without the invalid  
15 provision or application, and to this end, the provisions of  
16 this section are severable.

17 (i) For purposes of this section:

18 "Flavoring" means a substance that contains the flavoring  
19 constituents derived from a spice, fruit or fruit juice,  
20 vegetable or vegetable juice, edible yeast, herb, bark, bud,  
21 root, leaf or any other edible portions of a plant, meat,



1 seafood, poultry, eggs, dairy products, or fermentation products  
2 thereof, whose primary function in food is flavoring rather than  
3 nutritional.

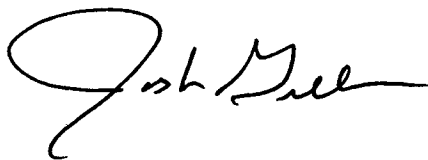
4 "Ingredient" means something that enters into a compound or  
5 is a component part of any combination or mixture.

6 "Seasoning" means salt, pepper, herbs, or spices."

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on January 1, 2026.

APPROVED this 3rd day of July , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 2278, HD 2, SD 3, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives




**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate