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

H.B. NO.

1989
H.D. 2
S.D. 1

A BILL FOR AN ACT

RELATING TO RAW MILK.

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

1   PART I

2   SECTION 1. The legislature finds that many people would

3 like to consume raw, unpasteurized milk and raw milk products

4 based on the products' health benefits and taste. Some studies

5 have shown that raw milk helps reduce allergies, boost immunity,

6 hydrate skin, and address nutritional deficiencies. Raw milk

7 has a unique flavor that may be destroyed by the double

8 pasteurization process generally required for commercial milk

9 sales. Raw milk also contains bacteria that are essential

10 flavor components of some cheeses.

11   The legislature further finds that raw milk can be produced

12 safely and that its sale is permitted in many other states.

13 Hawaii is in the small minority of four states that still do not

14 allow any form of raw milk distribution. The legislature

15 believes Hawaii's consumers and pets also deserve this freedom

16 of choice and should be permitted to purchase raw milk and raw

17 milk products directly from producers.

1   Accordingly, the purpose of this Act is to allow milk

2   producers to sell raw milk products directly to consumers,

3   subject to certain conditions.

4   SECTION 2. Chapter 157, Hawaii Revised Statutes, is

5   amended by adding a new part to be appropriately designated and

6   to read as follows:

7   **"PART   . RAW MILK AND ASSOCIATED PRODUCTS**

8   **§157-A Definitions.** For the purposes of this part:

9   "Distribute" means to transfer an item or offer to transfer

10   an item to another person, either free of charge or by sale or

11   exchange.

12   "Milk-bearing animal" means a cow, goat, or sheep that is

13   actively producing milk.

14   "Raw milk" means milk that is not pasteurized, graded, or

15   otherwise treated with heat.

16   "Raw milk dairy" means an operation owned or operated by a

17   raw milk producer in which no more than ten milk-bearing animals

18   are maintained to actively produce milk at any one time.

19   "Raw milk dairy product" means a product, other than a raw

20   milk product, that is manufactured using milk or a milk product

1 as the primary ingredient and that includes any quantity of raw

2 milk.

3 "Raw milk producer" means a milk producer that owns or

4 operates a raw milk dairy.

5 "Raw milk product" means a product that is manufactured

6 using milk as its exclusive ingredient and that includes any

7 quantity of raw milk.

8 §157-B Raw milk; direct distribution permitted. (a)

9 Notwithstanding any law to the contrary, beginning July 1, 2025,

10 a raw milk producer may distribute raw milk, raw milk products,

11 and raw milk dairy products directly to consumers for human

12 consumption, subject to compliance with this part and rules

13 adopted by the board pursuant to subsection (b); provided that:

14   (1)   The raw milk dairy from which the raw milk, raw milk

15   product, or raw milk dairy product originated shall

16   own or house no more than ten milk-bearing animals;

17   (2)   The raw milk shall be produced exclusively from the

18   milk-bearing animals maintained at the raw milk dairy;

19   (3)   The raw milk shall be produced at the raw milk dairy

20   in a manner that protects the health and safety of

1   persons consuming the raw milk, pursuant to rules

2   adopted by the board;

3   (4) Every twelve months, a licensed veterinarian shall

4   examine each milk-bearing animal maintained at the raw

5   milk producer's raw milk dairy to determine the milk-

6   bearing animal's health status. The examination shall

7   include a blood test to detect the presence of any

8   common diseases afflicting milk-bearing animals;

9   (5) Each month, the raw milk producer shall test each

10   milk-bearing animal maintained at the raw milk

11   producer's raw milk dairy to determine the milk-

12   bearing animal's coliform count and standard plate

13   count; provided that the raw milk producer shall post

14   the summary of the test at the raw milk dairy's

15   distribution point for the raw milk;

16 (6) No raw milk producer shall:

17   (A) Process, market, or distribute raw milk if the

18   raw milk exceeds the acceptable bacteria count

19   limit; or

20   (B) Manufacture, market, or distribute a raw milk

21   product or raw milk dairy product if the raw milk

1   used as an ingredient exceeds the acceptable

2   bacteria count limit.

3   Notwithstanding rules adopted by the board, the

4   acceptable bacteria count limit shall be ten

5   colony-forming units per milliliter (10 cfu/mL) for a

6   bacteria coliform count or twenty-five thousand

7   colony-forming units per milliliter (25,000 cfu/mL)

8   for a standard plate count;

9   (7) The raw milk producer shall retain a record of each

10   test conducted at the raw milk dairy for a period of

11   three years; and

12 (8) If a milk-bearing animal maintained at a raw milk

13   dairy is administered an antibiotic drug, the raw milk

14   producer shall comply with the following health

15   protocols and any other rules adopted by the board:

16   (A) The antibiotic drug shall be:

17   (i) Approved by the United States Food and Drug

18   Administration for its intended use;

19   (ii) Stored in a closed, labeled container as

20   provided by the manufacturer of the

1   antibiotic drug before being administered;

2   and

3   (iii) Administered as directed by the manufacturer

4   of the antibiotic drug;

5   (B) No raw milk produced from the milk-bearing animal

6   before the expiration of the production waiting

7   period prescribed by the manufacturer of the

8   antibiotic drug shall be:

9   (i) Processed, marketed, or distributed for

10   human consumption; and

11   (ii) Manufactured, marketed, or distributed as a

12   raw milk product or raw milk dairy product

13   that uses the raw milk as an ingredient;

14   (C) The manufacturer of the antibiotic drug may

15   provide directions on the label of the container

16   storing the antibiotic drug or other source of

17   information controlled by the manufacturer

18   regarding the use of the antibiotic drug; and

19   (D) The raw milk producer shall retain records

20   identifying the type and dosage of each

21   antibiotic drug administered to a milk-bearing

1   animal maintained at the raw milk dairy, each

2   milk-bearing animal that is administered an

3   antibiotic drug, and the date and location of the

4   antibiotic drug administration. The raw milk

5   producer shall retain the records for a period of

6   three years.

7   (b) No later than July 1, 2025, the board shall adopt

8 rules pursuant to chapter 91 governing the direct distribution

9 to consumers of raw milk, raw milk products, and raw milk dairy

10 products for human consumption in compliance with this part.

11 The rules shall:

12   (1) Establish standards for sanitation, testing, storage,

13   handling, and transportation to ensure that raw milk,

14   raw milk products, and raw milk dairy products are not

15   contaminated during production or distribution; and

16   (2) Regulate any circumstances under which raw milk

17   producers may share animals for the purpose of

18   producing raw milk, raw milk products, or raw milk

19   dairy products.

20   §157-C **Processing and manufacturing of raw milk.** (a) In

21 accordance with any rules adopted by the board pursuant to

1 section 157-B, raw milk produced at a raw milk dairy shall be

2 processed and manufactured at the raw milk dairy in a manner

3 that protects the health and safety of persons consuming the

4 processed raw milk, raw milk product, or raw milk dairy product.

5   (b) The raw milk shall be distributed no later than seven

6 calendar days after it was produced by a milk-bearing animal.

7   (c) The raw milk, raw milk product, raw milk dairy

8 product, or any other item using raw milk as an ingredient shall

9 be kept for storage prior to distribution at a temperature not

10 to exceed forty-five degrees Fahrenheit.

11   §157-D **Distribution of raw milk or associated products.**

12 (a) Each raw milk producer shall only accept an order for the

13 distribution of raw milk, a raw milk product, or a raw milk

14 dairy product at the raw milk producer's raw milk dairy in which

15 the raw milk, raw milk product, or raw milk dairy product is

16 produced or manufactured. The raw milk producer shall only

17 distribute the raw milk, raw milk product, or raw milk dairy

18 product to the individual placing the order. The raw milk

19 producer may distribute the raw milk, raw milk product, or raw

20 milk dairy product to the raw milk recipient without charge, on

21 a retail basis, or for exchange.

1   (b) The recipient of the raw milk, raw milk product, or

2 raw milk dairy product may examine any applicable records

3 required to be retained by the raw milk producer as provided in

4 section 157-B, including any of the following:

5   (1) The coliform count and standard plate count of

6   milk-bearing animals maintained at the raw milk dairy

7   owned or operated by the raw milk producer; and

8   (2) The administration of antibiotic drugs to milk-bearing

9   animals maintained at the raw milk dairy owned or

10   operated by the raw milk producer.

11   (c) If the raw milk producer distributes the raw milk, raw

12 milk product, or raw milk dairy product in a container, the

13 container shall be labeled as provided in section 157-E.

14   (d) The raw milk producer shall directly distribute the

15 raw milk, raw milk product, or raw milk dairy product to the

16 recipient at the raw milk dairy or to a location specified by

17 the recipient; provided that no raw milk, raw milk product, or

18 raw milk dairy product shall be delivered to a place of business

19 where food or food items are distributed on a retail basis. The

20 raw milk, raw milk product, or raw milk dairy product shall only

21 be used for human consumption by the recipient, members of the

1 recipient's household, or the recipient's non-paying guests or

2 non-paying employees.

3   (e) No person shall redistribute raw milk, raw milk

4 products, or raw milk dairy products.

5   **§157-E Labeling containers holding raw milk or associated**

6 **products.** (a) Each raw milk producer who distributes raw milk,

7 a raw milk product, or a raw milk dairy product shall label the

8 container holding the raw milk, raw milk product, or raw milk

9 dairy product. The label shall be permanently affixed to the

10 container. The words on the label shall be printed in at least

11 twelve-point boldface type. If the container includes a main

12 informational or advertising panel, the label shall be part of

13 the panel.

14   (b) For a container holding raw milk, the label shall

15 state the following:

16   "RAW MILK

17   NOTICE TO CONSUMERS

18 THIS CONTAINER HOLDS RAW MILK THAT IS NOT SUBJECT TO STATE

19 INSPECTION OR OTHER PUBLIC HEALTH REGULATIONS THAT REQUIRE

20 PASTEURIZATION AND GRADING. RAW MILK MAY CONTAIN HARMFUL

21 BACTERIA THAT ARE UNSAFE TO CONSUME.".

1   (c)   For a container holding a raw milk product or raw milk

2   dairy product, the label shall state the following:

3   "RAW MILK PRODUCT or CONTAINS RAW MILK PRODUCTS

4   NOTICE TO CONSUMERS

5   THIS CONTAINER HOLDS A RAW MILK PRODUCT OR RAW MILK DAIRY

6   PRODUCT THAT IS NOT SUBJECT TO STATE INSPECTION OR OTHER PUBLIC

7   HEALTH REGULATIONS THAT REQUIRE PASTEURIZATION AND GRADING.

8   THIS PRODUCT MAY CONTAIN BACTERIA THAT ARE UNSAFE TO CONSUME.".

9   §157-F Enforcement actions. Upon request, a raw milk

10 producer shall provide the department of health with all records

11 required to be kept by the raw milk producer as provided in

12 section 157-B, including records relating to:

13   (1) The coliform count and standard plate count of

14   milk-bearing animals maintained by the raw milk

15   producer at a raw milk dairy; and

16   (2) The administration of antibiotic drugs to milk-bearing

17   animals maintained by the raw milk producer at a raw

18   milk dairy;

19 provided that the request shall be based on an affidavit signed

20 by a licensed physician certifying that in the physician's

21 opinion, an individual contracted an illness as a direct result

1 of consuming raw milk produced at a raw milk dairy or consuming

2 a raw milk product or a raw milk dairy product manufactured at a

3 raw milk dairy."

4 SECTION 3. Section 157-21, Hawaii Revised Statutes, is

5 amended to read as follows:

6 "§157-21 **Licensing.** [It] Except as provided in

7 part____, it shall be unlawful for any producer, producer-

8 distributor, or distributor to produce, sell, process, or

9 distribute milk in a milk shed unless the person is duly

10 licensed as provided by this chapter. It shall be unlawful for

11 any [such] person to sell, buy, process, or distribute milk

12 [which] that the person knows or has reason to believe has been

13 produced or handled in violation of this chapter."

14 SECTION 4. Section 157-41, Hawaii Revised Statutes, is

15 amended by amending subsection (b) to read as follows:

16 "(b) Any person who violates this chapter shall be guilty

17 of a misdemeanor and subject to a fine of not less than $250 or

18 more than $1,000 or imprisonment for not more than one year, or

19 both[-]; provided that the direct distribution to consumers of

20 raw milk, raw milk products, or raw milk dairy products for

21 human consumption pursuant to part____, and any rules adopted

1   to implement part ____, shall not constitute a violation of

2   this chapter."

3   PART II

4   SECTION 5. Chapter 321, Hawaii Revised Statutes, is

5   amended by adding a new section to be appropriately designated

6   and to read as follows:

7   "§321-___   **Raw goat milk; pet consumption; direct sales**

8   **permitted.** (a) Notwithstanding any provision to the contrary,

9   beginning July 1, 2025, raw goat milk may be sold for pet

10   consumption, subject to rules adopted pursuant to subsection

11   (b).

12   (b) No later than July 1, 2025, the department of health

13   shall adopt rules pursuant to chapter 91 to govern the sale of

14   raw goat milk for pet consumption. The rules shall:

15   (1) Include conditions similar to those found in the

16   administrative rules of other states that allow the

17   sale of raw goat milk;

18   (2) Establish standards to ensure that raw goat milk is

19   not contaminated during production or sale; and

1 (3) Regulate any circumstances under which producers may

2   share goats for the purposes of producing raw goat

3   milk.

4 (c) Each container of raw goat milk intended for sale for

5 pet consumption shall include on the container or packaging:

6 (1) A label reading "RAW GOAT MILK"; and

7 (2) A statement reading "FOR PET CONSUMPTION ONLY - RAW

8   GOAT MILK MAY CONTAIN BACTERIA THAT ARE HARMFUL TO

9   HUMANS".

10 (d) For the purposes of this section:

11 "Goat milk" means the lacteal secretion, practically free

12 from colostrum, obtained by the complete milking of healthy

13 goats.

14 "Raw goat milk" means goat milk that has not been

15 pasteurized, graded, or otherwise treated with heat."

16   PART III

17 SECTION 6. This Act does not affect rights and duties that

18 matured, penalties that were incurred, and proceedings that were

19 begun before its effective date.

20 SECTION 7. In codifying the new sections added by section

21 2 of this Act, the revisor of statutes shall substitute

H.B. NO. 1989
H.D. 2
S.D. 1

1 appropriate section numbers for the letters used in designating

2 the new sections in this Act.

3   SECTION 8. Statutory material to be repealed is bracketed

4 and stricken. New statutory material is underscored.

5   SECTION 9. This Act shall take effect on July 1, 2050.

Report Title:
BOA; DOH; Raw Milk; Raw Milk Products; Raw Milk Dairy Products;
Raw Goat Milk; Sales

Description:
Authorizes and decriminalizes the sale of raw milk, raw milk
products, and raw milk dairy products directly from producers to
consumers for human consumption, subject to certain
restrictions. Authorizes the direct sale of raw goat milk for
pet consumption. Establishes labeling requirements. Requires
the Board of Agriculture and Department of Health to adopt rules
no later than 7/1/2025. Takes effect 7/1/2050. (SD1)

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

2024-2164 HB1989 SD1 SMA.docx