
A BILL FOR AN ACT

RELATING TO VALUE-ADDED PRODUCTION.

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

1 SECTION 1. The legislature finds that local food
2 production is integral to the State's economic development and
3 food security. The legislature recognizes that what the
4 department of health calls "homemade food products" is what most
5 states define as "cottage food". Cottage food, or homemade food
6 that is sold directly to consumers, is a small but growing
7 industry and is preferred among many consumers who are mindful
8 of responsible sourcing and healthy eating options and those who
9 want to support the local communities and individuals producing
10 the foods they consume.

11 The legislature further finds that there is great interest
12 in small-scale homemade food operations in the State. However,
13 Hawaii is one of only a few remaining states that does not
14 provide certain exemptions from its department of health for
15 homemade food products.

16 The legislature believes that supporting homemade food
17 operations in the State would grow small businesses; foster



1 innovation and economic growth; offer locally made alternatives
2 to imported brands; create local employment opportunities; keep
3 more money within the local economy; and increase tax revenues
4 to support the growing needs of the State, including ongoing
5 wildfire relief efforts. Notably, the legislature also believes
6 that further implementing exemptions for small-scale homemade
7 food operations will provide a valuable opportunity for local
8 entrepreneurs to bring their homemade food products to market
9 and can serve as an essential lifeline for producers impacted by
10 the recent Maui wildfires.

11 Accordingly, the purpose of this Act is to expand
12 opportunities for producers and consumers of homemade food
13 products by requiring the department of health to:

- 14 (1) Amend the definition of "homemade food products" in
15 the Hawaii Administrative Rules; and
- 16 (2) Adopt certain rules regarding the sale and delivery of
17 homemade food products.

18 SECTION 2. No later than December 31, 2024, the department
19 of health shall amend the definition of "homemade food products"
20 under chapter 11-50, Hawaii Administrative Rules, pursuant to
21 chapter 91, Hawaii Revised Statutes, to read as follows:



1 "Homemade food products" means:

2 (1) Not potentially hazardous food produced or packaged in
3 a home kitchen that does not include dried meats or
4 seafood; and

5 (2) Foods of plant origin that are pickled, fermented, or
6 acidified, except for cantaloupes and other fruits
7 from the melon family, that are produced or packaged
8 in a home kitchen that have a pH of equal to or less
9 than 4.6 and a water activity value that is less than
10 0.88; provided that any homemade food product
11 containing cut tomatoes, such as salsa, also must be
12 kept refrigerated at or below forty-one degrees
13 Fahrenheit.

14 SECTION 3. The department of health shall adopt rules
15 pursuant to chapter 91, Hawaii Revised Statutes, that allow
16 homemade food products to:

17 (1) Be sold by:

18 (A) The homemade food operator for direct sale to the
19 consumer, whether in person or remotely,
20 including by telephone or the Internet; or



1 (B) An agent of the homemade food operator or a
2 third-party vendor, such as a retail shop or
3 grocery store, to the consumer; and

4 (2) Be delivered to the consumer by:

5 (A) The homemade food operator;

6 (B) An agent of the homemade food operator or a
7 third-party vendor, such as a retail shop or
8 grocery store;

9 (C) Mail; or

10 (D) Shipping.

11 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

DOH; Economic Development; Value-Added Production;
Administrative Rules; Homemade Food Products

Description:

Requires the Department of Health to amend the definition of "homemade food products" and adopt certain rules regarding the sale and delivery of homemade food products. Takes effect 7/1/3000. (SD1)

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