
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, but the
13 existing regulatory framework creates several challenges for
14 entrepreneurs, including those in rural areas who do not have
15 access to commercial or certified kitchens or those who no
16 longer have access to commercial or certified kitchens. In
17 fact, Hawaii is one of only a few remaining states that does not



1 provide certain exemptions from its department of health for
2 homemade food products. The legislature further recognizes that
3 expanding access to local homemade food products should require
4 the same food safety training and certification as that required
5 of other food establishments in the State.

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

18 Accordingly, the purpose of this Act is to expand
19 opportunities for producers and consumers of homemade food
20 products by requiring the department of health to:



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

5 SECTION 2. No later than December 31, 2024, the department

6 of health shall amend the definition of "homemade food products"

7 under chapter 11-50, Hawaii Administrative Rules, pursuant to

8 chapter 91, Hawaii Revised Statutes, to read as follows:

9 "Homemade food products" means non-temperature controlled

10 for safety (TCS) foods produced or packaged in a home kitchen

11 that have a pH of equal to or less than 4.6 and a water activity

12 value that is less than 0.88; provided that any homemade food

13 product containing chopped tomatoes, such as salsa, also must be

14 kept refrigerated at below forty-one degrees Fahrenheit. This

15 term includes pickled or fermented fruit or vegetable products,

16 except for cantaloupes and other fruit from the melon family.

17 SECTION 3. The department of health shall adopt rules

18 pursuant to chapter 91, Hawaii Revised Statutes, that allow

19 homemade food products to:

- 20 (1) Be sold by:



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

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

7 (2) Be delivered to the consumer by:

8 (A) The homemade food operator;

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

12 (C) Mail; or

13 (D) Shipping.

14 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. Effective 7/1/3000. (Proposed SD1)

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