

JAN 17 2024

A BILL FOR AN ACT

RELATING TO THE LABELING OF PRODUCTS.

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

1 SECTION 1. Section 201-3.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [{} §201-3.5 [{}] "Hawaii Made" program for manufactured
4 products oversight; "Hawaii Made" trademark. (a) The
5 department of business, economic development, and tourism shall
6 administer and oversee a "Hawaii Made" program for manufactured
7 products and shall hold ownership of the "Hawaii Made"
8 trademark.

9 (b) For purposes of this section, the department of
10 business, economic development, and tourism shall:

- 11 (1) Promote consumer demand for "Hawaii Made" products;
12 (2) Coordinate manufacturing of "Hawaii Made" products;
13 (3) Coordinate and promote distribution channels for
14 "Hawaii Made" products;
15 (4) Ensure that appropriate patents and copyrights are
16 acquired for "Hawaii Made" products; and



S.B. NO. 2082

1 (5) Identify new funding opportunities to promote the
2 expansion of "Hawaii Made" products.

3 (c) No person shall:

4 (1) Keep, offer, display or expose for sale, or solicit
5 for the sale of any item, product, souvenir, or other
6 merchandise that:

7 (A) Is labeled "Hawaii Made"; [~~or~~]

8 (B) Is labeled "made in Hawaii"; or

9 [~~(B)~~] (C) By any other means, represents the origin of
10 the item as being from any place within the
11 State; or

12 (2) Use the phrase "Hawaii Made" or "made in Hawaii" as an
13 advertising or media tool,

14 for any item that has not been manufactured, assembled,
15 fabricated, or produced within the State and that has not had at
16 least fifty-one per cent of its wholesale value added by
17 manufacture, assembly, fabrication, or production within the
18 State, including Hawaii-sourced goods, services, and
19 intellectual property~~[-]~~; provided that any calculation to
20 determine whether a non-perishable good has had at least fifty-
21 one per cent of its wholesale value added by production within



1 the State shall include operating and overhead expenses incurred
2 and spent within the State.

3 (d) Subsection (c) notwithstanding, no person shall keep,
4 offer, display, expose for sale, or solicit the sale of any
5 perishable consumer commodity that is labeled "made in Hawaii",
6 "produced in Hawaii", or "processed in Hawaii" or that by any
7 other means represents the origin of the perishable consumer
8 commodity as being from any place within the State, or use the
9 phrase "made in Hawaii", "produced in Hawaii", or "processed in
10 Hawaii" as an advertising or media tool for any perishable
11 consumer commodity, unless the perishable consumer commodity is
12 wholly or partially manufactured, processed, or produced within
13 the State from raw materials that originate from inside or
14 outside the State and at least fifty-one per cent of the
15 wholesale value of the perishable consumer commodity is added by
16 manufacture, processing, or production within the State.

17 (e) The attorney general may bring an action against any
18 person or entity who violates subsection (c) or (d).

19 (f) For the purposes of this section, "perishable consumer
20 commodity" has the same meaning as defined in section 486-1."



1 SECTION 2. Section 486-1, Hawaii Revised Statutes, is
2 amended by deleting the definition of "craft item".

3 [~~"Craft item" means any consumer commodity that is not an
4 agricultural commodity or a perishable consumer commodity that
5 is manufactured, assembled, fabricated, or produced by an
6 individual working alone or a small group of individuals working
7 collaboratively and that is produced by hand or by using simple
8 tools. Craft item does not include a consumer commodity that is
9 mass produced or an item that is merely assembled from two or
10 more mass produced consumer commodities."~~]

11 SECTION 3. Section 486-119, Hawaii Revised Statutes, is
12 repealed.

13 [~~**"§486-119 Hawaii-made products; Hawaii-processed
14 products.** (a) No person shall keep, offer, display or expose
15 for sale, or solicit for the sale of any item, product,
16 souvenir, or any other merchandise that is labeled "made in
17 Hawaii" or that by any other means misrepresents the origin of
18 the item as being from any place within the State, or uses the
19 phrase "made in Hawaii" as an advertising or media tool for any
20 craft item that has not been manufactured, assembled,
21 fabricated, or produced within the State and that has not had at~~



1 ~~least fifty one per cent of its wholesale value added by~~
2 ~~manufacture, assembly, fabrication, or production within the~~
3 ~~State.~~

4 ~~(b) Subsection (a) notwithstanding, no person shall keep,~~
5 ~~offer, display, expose for sale, or solicit the sale of any~~
6 ~~perishable consumer commodity that is labeled "made in Hawaii",~~
7 ~~"produced in Hawaii", or "processed in Hawaii" or that by any~~
8 ~~other means represents the origin of the perishable consumer~~
9 ~~commodity as being from any place within the State, or use the~~
10 ~~phrase "made in Hawaii", "produced in Hawaii", or "processed in~~
11 ~~Hawaii" as an advertising or media tool for any perishable~~
12 ~~consumer commodity, unless the perishable consumer commodity is~~
13 ~~wholly or partially manufactured, processed, or produced within~~
14 ~~the State from raw materials that originate from inside or~~
15 ~~outside the State and at least fifty one per cent of the~~
16 ~~wholesale value of the perishable consumer commodity is added by~~
17 ~~manufacture, processing, or production within the State."]~~

18 SECTION 4. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2024-2025 for
21 the promotion and development of the "Hawaii Made" brand.



S.B. NO. 2082

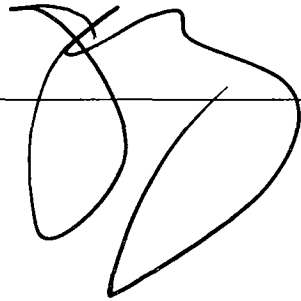
1 The sum appropriated shall be expended by the department of
2 business, economic development, and tourism for the purposes of
3 this Act.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on July 1, 2024.

7

INTRODUCED BY: _____

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, crossing the line of the "INTRODUCED BY:" text.

S.B. NO. 2082

Report Title:

DBEDT; Department of the Attorney General; Hawaii Made Program; Made in Hawaii with Aloha Program; Hawaii-Made Products; Hawaii-Processed Products; Appropriation

Description:

Merges the Made in Hawaii with Aloha branding program with the Hawaii Made program under the Department of Business, Economic Development, and Tourism. Specifies that the Department of the Attorney General shall be responsible for enforcement of the program. Repeals the Made in Hawaii with Aloha program. Clarifies that calculations to determine whether a non-perishable good labeled "Hawaii Made" or "made in Hawaii" has met the requirement that at least 51% of the wholesale value of the product is added by production within the State include operating and overhead expenses incurred and spent within the State. Appropriates funds.

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

