

ACT 20

S.B. NO. 550

A Bill for an Act Relating to Agricultural Commodities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 145-21, Hawaii Revised Statutes, is amended to read as follows:

~~“[§145-21] Definition. Definitions.~~ For purposes of this part, ~~“agricultural commodity”~~;

“Agricultural commodity” means any fruit, nut, or vegetable that is the food product of any tree, vine, or plant, or any aquacultural, horticultural, silvicultural, or floricultural product.

“Person” means any individual, firm, corporation, partnership, or association.”

SECTION 2. Section 145-22, Hawaii Revised Statutes, is amended to read as follows:

~~“[§145-22] Agricultural commodities; ownership and movement certification. (a) Every [owner,] person, upon sale [or transportation of lots of over two hundred pounds or with a value of at least \$100,] of any agricultural commodity or upon transportation of lots of any agricultural commodity of more than two hundred pounds or with a value of at least \$100 that is marketed for commercial purposes,~~ shall complete a certificate describing the commodity and indicating:

- (1) The seller, owner, buyer, or consignee;
- (2) The origin; and
- (3) The destination.

Two copies of the certificate shall accompany the shipment, and a copy shall be retained by the ~~[owner,] person completing the certificate.~~ One of the copies of the certificate shall be presented upon request to a state or county law enforcement officer or other officer ~~[or,] employee, or any other person~~ as described in section 145-25.

(b) This section shall not apply to the retail sale of an agricultural commodity to the final consumer.”

SECTION 3. Section 145-23, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§145-23]]~~ **Lack of proof of ownership as a violation.** The failure of any person who sells, transports, or possesses after sale or transport, agricultural commodities ~~[in lots of over two hundred pounds or with a value of at least \$100;]~~ to maintain a certificate of ownership or other written proof of ownership ~~[that describes]~~ of the agricultural commodity, as described in section 145-22, is a violation of this part.”

SECTION 4. Section 145-25, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§145-25]]~~ **Enforcement; citation and summons.** Violations of this part or any rule adopted pursuant thereto may be enforced by citation and summons issued by:

- (1) Any state or county law enforcement officer; or
- (2) Any officer or employee of the department of agriculture, or any other person, authorized and designated by the board of agriculture to investigate and enforce this chapter and all rules adopted by the department pursuant thereto.”

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

SECTION 6. This Act shall take effect upon its approval.

(Approved April 16, 2003.)