

ACT 164

H.B. NO. 1628

A Bill for an Act Relating to Hawaii Macadamia Nut Product Labeling.

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

SECTION 1. Section 486-120.5, Hawaii Revised Statutes, is amended as follows:

“§486-120.5 Macadamia nuts; labeling requirements. (a) If a label on a consumer package contains language that all of the raw or processed macadamia nuts contained in the package were grown in Hawaii, the label shall be worded, “100% Hawaii-Grown Macadamia Nuts”, “Hawaii-Grown Macadamia Nuts”, “100% Hawaiian Macadamia Nuts”, or “Hawaiian Macadamia Nuts”, and shall appear on the principal display panel of the package.

(b) If a label on a consumer package contains language that a portion of the raw or processed macadamia nuts contained in the package was grown in Hawaii, the label shall be worded “Hawaii-Grown Macadamia Nuts”, preceded by the per cent by weight of the macadamia nuts contained in the package that were grown in Hawaii, and shall appear on the principal display panel of the package. The per cent by weight of the macadamia nuts in the package shall be the percentage calculated by dividing the weight in pounds of the macadamia nuts grown in Hawaii that are in the package by the weight in pounds of all macadamia nuts in the package and multiplying the quotient by one hundred.

~~[(b)]~~ (c) All nonconsumer packages containing macadamia nuts grown in the State and introduced into intrastate or interstate commerce[.] shall bear on the package a label containing language that the package contains Hawaii-grown macadamia nuts. This label shall be in addition to all other labeling requirements specified in this chapter.

~~[(e)]~~ (d) Any person keeping, offering, displaying, exposing for sale, or soliciting for sale, any raw or processed macadamia nut product, which represents or which is branded or labeled that all or a percentage or portion of the macadamia nuts were grown in Hawaii, shall make available to the administrator, upon demand, documented proof that ~~[one hundred per cent of]~~ the amount of macadamia nuts ~~[were]~~ represented to be grown in the State, was grown in the State.

~~[(d)]~~ (e) It shall be a violation of this part [tø]:

- (1) To use a label containing the words, “100% Hawaii-Grown Macadamia Nuts”, “Hawaii-Grown Macadamia Nuts”, “100% Hawaiian Macadamia Nuts”, or “Hawaiian Macadamia Nuts”, or similar wording, or to otherwise represent that all of the macadamia nuts in the package were grown in Hawaii, if any portion of the macadamia nuts contained in the package [are] was not grown in the State[-];
- (2) To use a label, as provided for under subsection (b), containing the words “Hawaii-Grown Macadamia Nuts” preceded by a percentage, if less than the specified percentage or none of the macadamia nuts in the package was grown in the State; or
- (3) To use a label representing that any of the macadamia nuts contained in the package was grown in the State, if none of the macadamia nuts contained in the package was grown in the State.

(f) Any person who violates this section shall be subject to penalties under section 486-32.”

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SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon approval.

(Approved June 8, 2007.)