

ACT 131

S.B. NO. 482

A Bill for an Act Relating to Agriculture.

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

SECTION 1. The legislature finds that it is an important priority to encourage beekeeping operations of all sizes throughout the State to ensure the continued viability of honeybee stocks both in managed apiaries and in the wild. Honeybees are a primary pollinator of food crops essential for many agricultural and horticultural operations. However, honeybee populations are declining at a rapid rate due to disease and predators. Varroa mites, small hive beetles, and nosema have decimated honeybee populations on the mainland United States and recently throughout Hawaii.

The legislature further finds that the best way to make beekeeping an attractive proposition in Hawaii is to make it easier and financially viable for beekeepers to legally extract, bottle, and sell honey by minimizing the administrative and bureaucratic requirements in ways that will not affect public safety. Honey is antiseptic, antibiotic, antifungal, and antibacterial — it never spoils and does not host harmful bacteria. There is a well-priced market for raw, local artisanal honey in Hawaii, and beekeepers will overcome today's difficult environmental obstacles to farming bees if they can successfully sell their honey.

Most small beekeepers cannot successfully navigate the current regulatory hurdles required to operate a certified food-processing establishment on their own premises for the extraction and bottling of honey. Currently, if located in remote areas without chlorinated county water, beekeepers are required to carry the frames of honey away from their farms in bee boxes to an existing certified kitchen, a practice that can endanger healthy bees. Many have given up beekeeping.

The purpose of this Act is to encourage beekeeping operations in the State by exempting home-based agricultural producers of honey from processing honey in a certified honey house and obtaining a permit; provided that certain labeling and safety requirements are met.

SECTION 2. Section 328-79, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§328-79]]~~ Home-based agricultural producer of honey; exemption. (a)

A home-based agricultural producer of honey shall not be required to process honey in a certified honey house or food processing establishment, or be required to obtain a permit from the department ~~[of health]~~, if the producer:

- (1) Sells less than ~~[fifty]~~ five hundred gallons of honey a year;
- (2) Sells the honey directly to consumers~~[-and]~~ or directly to a retail store that in turn sells the honey directly to consumers;
- (3) Labels each container of honey sold with:
 - (A) The name and address of the producer;
 - (B) The net weight and volume of the honey, by standard measure;
 - (C) The date the honey was produced; ~~[and]~~
 - ~~(D)~~ (D) The statement, “Honey should not be consumed by infants under one year of age.” in clear and conspicuous print; and
 - ~~(E)~~ (E) The statement, “This product is home-produced and processed and has not been inspected by the Department of Health.” in clear and conspicuous print[-];
- (4) Attends a department of health approved food safety workshop and passes the food safety certification exam; and
- (5) Keeps honey production volume and honey product distribution records for a period of at least two years and makes the records available to the department.

(b) The State and counties shall not be liable for claims associated with honey distributed by home-based agricultural producers of honey; except for instances of gross negligence and intentional misconduct by the State or counties.”

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

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 2013.)