

## ACT 195

H.B. NO. 2144

A Bill for an Act Relating to Value-Added Production.

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

SECTION 1. The legislature finds that local food production is integral to the State's economic development and food security. The legislature recognizes that what the department of health calls "homemade food products" is what most states define as "cottage food". Cottage food, or homemade food that is sold directly to consumers, is a small but growing industry and is preferred among many consumers who are mindful of responsible sourcing and healthy eating options and those who want to support the local communities and individuals producing the foods they consume.

The legislature further finds that there is great interest in small-scale homemade food operations in the State. However, Hawaii is one of only a few remaining states that does not provide certain exemptions from its department of health regulations for homemade food products.

The legislature believes that supporting homemade food operations in the State would grow small businesses; foster innovation and economic growth; offer locally made alternatives to imported brands; create local employment opportunities; keep more money within the local economy; and increase tax revenues to support the growing needs of the State, including ongoing wildfire relief efforts. Notably, the legislature also believes that expanding opportunities for small-scale homemade food operations will provide a valuable opportunity for

## ACT 195

local entrepreneurs to bring their homemade food products to market and can serve as an essential lifeline for producers impacted by the recent Maui wildfires.

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

- (1) Amend the definition of “homemade food products” in its Hawaii Administrative Rules on food safety; and
- (2) Adopt certain rules regarding the sale and delivery of homemade food products.

SECTION 2. No later than December 31, 2024, the department of health shall amend the definition of “homemade food products” under chapter 11-50, Hawaii Administrative Rules, pursuant to chapter 91, Hawaii Revised Statutes, to read as follows:

““Homemade food products” means:

- (1) Not potentially hazardous food produced or packaged in a home kitchen that does not include dried meats or seafood; and
- (2) Foods of plant origin that are pickled, fermented, or acidified, except for cantaloupes and other fruits from the melon family, that are produced or packaged in a home kitchen that have a pH (degree of acidity or alkalinity) of equal to or less than 4.2 and a water activity value that is less than 0.88; provided that any homemade food product containing cut tomatoes, such as salsa, must be kept refrigerated at or below forty-one degrees Fahrenheit.”

SECTION 3. The department of health shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, that allow homemade food products to:

- (1) Be sold by:
  - (A) The homemade food operator for direct sale to the consumer, whether in person or remotely, including by telephone or the Internet; or
  - (B) An agent of the homemade food operator or a third-party vendor, such as a retail shop or grocery store, to the consumer; and
- (2) Be delivered to the consumer by:
  - (A) The homemade food operator;
  - (B) An agent of the homemade food operator or a third-party vendor, such as a retail shop or grocery store;
  - (C) Mail; or
  - (D) Shipping.

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

(Approved July 3, 2024.)