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# A BILL FOR AN ACT

RELATING TO VALUE-ADDED PRODUCTION.

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

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

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

16           The legislature believes that supporting homemade food  
17 operations in the State would grow small businesses; foster



1 innovation and economic growth; offer locally made alternatives  
2 to imported brands; create local employment opportunities; keep  
3 more money within the local economy; and increase tax revenues  
4 to support the growing needs of the State, including ongoing  
5 wildfire relief efforts. Notably, the legislature also believes  
6 that expanding opportunities for small-scale homemade food  
7 operations will provide a valuable opportunity for local  
8 entrepreneurs to bring their homemade food products to market  
9 and can serve as an essential lifeline for producers impacted by  
10 the recent Maui wildfires.

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

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

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



1        ""Homemade food products" means:

2        (1) Not potentially hazardous food produced or packaged in  
3            a home kitchen that does not include dried meats or  
4            seafood; and

5        (2) Foods of plant origin that are pickled, fermented, or  
6            acidified, except for cantaloupes and other fruits  
7            from the melon family, that are produced or packaged  
8            in a home kitchen that have a pH (degree of acidity or  
9            alkalinity) of equal to or less than 4.2 and a water  
10           activity value that is less than 0.88; provided that  
11           any homemade food product containing cut tomatoes,  
12           such as salsa, must be kept refrigerated at or below  
13           forty-one degrees Fahrenheit."

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

17        (1) Be sold by:

18            (A) The homemade food operator for direct sale to the  
19            consumer, whether in person or remotely,  
20            including by telephone or the Internet; or



1 (B) An agent of the homemade food operator or a  
2 third-party vendor, such as a retail shop or  
3 grocery store, to the consumer; and

4 (2) Be delivered to the consumer by:

5 (A) The homemade food operator;

6 (B) An agent of the homemade food operator or a  
7 third-party vendor, such as a retail shop or  
8 grocery store;

9 (C) Mail; or

10 (D) Shipping.

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



H.B. NO. 2144  
H.D. 1  
S.D. 2  
C.D. 1

**Report Title:**

DOH; Economic Development; Value-Added Production;  
Administrative Rules; Homemade Food Products

**Description:**

Requires the Department of Health to amend the definition of "homemade food products" in its administrative rules on food safety and adopt certain rules regarding the sale and delivery of homemade food products. (CD1)

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

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