



GOV. MSG. NO. 697

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 1, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 1, 2009, the following bill was signed into law:

SB1223 SD1 HD2 CD1

A BILL FOR AN ACT
RELATING TO HAWAII MADE PRODUCTS.
ACT 080 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO HAWAII MADE PRODUCTS.

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

1 SECTION 1. Section 486-1, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Craft item" means any consumer commodity that is not an
5 agricultural commodity or a perishable consumer commodity that
6 is manufactured, assembled, fabricated, or produced by an
7 individual working alone or a small group of individuals working
8 collaboratively and that is produced by hand or by using simple
9 tools. Craft item does not include a consumer commodity that is
10 mass-produced or an item that is merely assembled from two or
11 more mass-produced consumer commodities.

12 "Perishable consumer commodity" means any article, product,
13 good, or agricultural commodity of any kind that is customarily
14 produced or distributed for sale through mercantile or retail
15 sales outlets; is intended for consumption as food or use by
16 individuals for the purposes of personal care or in the
17 performance of services ordinarily rendered in or about the



1 household or in connection with personal possessions; and is
2 intended to have a limited shelf life. "Perishable consumer
3 commodity" includes, but is not limited to, baked goods, dairy
4 products, cut or dried flowers, coffee, candy, cookies, jam,
5 jelly, juices, oils, nuts, or similar products."

6 SECTION 2. Section 486-119, Hawaii Revised Statutes, is
7 amended to read as follows:

8 " ~~[+]§486-119[+]~~ Hawaii-made products[-]; Hawaii-processed
9 products. (a) No person shall keep, offer, display ~~[øæ]~~,
10 expose for sale, or solicit for the sale of any item, product,
11 souvenir, or any other merchandise ~~[which]~~ that is labeled
12 ~~["Made in Hawaii"]~~ "made in Hawaii" or ~~[which]~~ that by any other
13 means misrepresents the origin of the item as being from any
14 place within the State, ~~[which]~~ or uses the phrase "made in
15 Hawaii" as an advertising or media tool for any craft item that
16 has not been manufactured, assembled, fabricated, or produced
17 within the State and ~~[which]~~ that has not had at least fifty-one
18 per cent of its wholesale value added by manufacture, assembly,
19 fabrication, or production within the State.

20 (b) Subsection (a) notwithstanding, no person shall keep,
21 offer, display, expose for sale, or solicit the sale of any
22 perishable consumer commodity that is labeled "made in Hawaii",



1 "produced in Hawaii", or "processed in Hawaii" or that by any
2 other means represents the origin of the perishable consumer
3 commodity as being from any place within the State, or use the
4 phrase "made in Hawaii", "produced in Hawaii", or "processed in
5 Hawaii" as an advertising or media tool for any perishable
6 consumer commodity, unless the perishable consumer commodity is
7 wholly or partially manufactured, processed, or produced within
8 the State from raw materials that originate from inside or
9 outside the State and at least fifty-one per cent of the
10 wholesale value of the perishable consumer commodity is added by
11 manufacture, processing, or production within the State."

12 SECTION 3. The chair of the board of agriculture shall
13 convene a working group composed of:

- 14 (1) A representative of the department of business,
15 economic development, and tourism;
- 16 (2) Representatives of native Hawaiian artisans;
- 17 (3) Representatives of artisan and handcrafter guilds or
18 collectives such as Creations of Hawaii and the Made
19 in Hawaii Festival;
- 20 (5) Retail merchants of handcrafted goods;
- 21 (6) A representative of Hawaii Farm Bureau Federation;



1 (7) A representative of Hawaii Food Manufacturers
2 Association; and

3 (8) A representative of Hawaii Food Industry Association.

4 The purpose of the working group shall be to identify labeling
5 issues relating to the Hawaii-made products law and to propose
6 workable solutions, including solutions for enforcement.

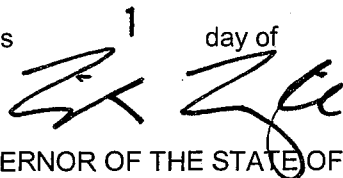
7 The working group shall submit a report of its findings to
8 the legislature no later than twenty days prior to the convening
9 of the 2010 regular session.

10 SECTION 4. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

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

15 SECTION 6. This Act shall take effect on July 1, 2009.

APPROVED this 1 day of JUN, 2009



GOVERNOR OF THE STATE OF HAWAII