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# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

**PART I**

1  
2 SECTION 1. The importance of agriculture to the State is  
3 reflected in article XI, section 3, of the state constitution.  
4 Agriculture not only provides food and other basic needs to  
5 society, but has also proven to be an economic engine supporting  
6 the State. Hawaii's farms and farmers reflect the heritage and  
7 diversity of many cultures and people. They are the cornerstone  
8 of the State's goals for food security, sustainability, and  
9 self-sufficiency and are essential for producing local food and  
10 other agricultural products for local consumption.

11 The number of small farms in Hawaii has grown substantially  
12 during the last ten years, reflecting a changing agricultural  
13 model from plantations to smaller farms with diverse cropping  
14 and marketing systems that create new sources for agricultural  
15 products, including food. These new farms also have the  
16 potential to significantly increase employment.



1           There is also a renewed interest in school gardens where  
2 children learn economic, scientific, and cultural lessons  
3 through agricultural-based curriculum.

4           The agricultural industry has recognized that there are  
5 practices that if performed correctly, can result in good  
6 stewardship of the land, increased worker safety, and ultimately  
7 lead to safe products for the consumer. These practices, known  
8 as good agricultural practices, are written to provide uniform,  
9 statewide standards and acceptable management practices based on  
10 science. These practices can assist producers in the various  
11 sectors of the industry in improving their own agricultural  
12 managerial routines. Good agricultural practices are reviewed  
13 annually and revised as new scientific discoveries and changing  
14 economic conditions require. Good agricultural practices are  
15 recognized by regulatory agencies such as the United States Food  
16 and Drug Administration.

17           Good agricultural practices for livestock provide guidance  
18 for ranchers to ensure sound animal welfare practices and  
19 promote animal husbandry and care. State adoption and  
20 recognition of these standards are critical to allow farmers and  
21 ranchers to have access to the widest array of tools to provide  
22 agricultural products to the people of Hawaii.



1 The purpose of this part is to strengthen the agricultural  
2 safety and security program of the department of agriculture by,  
3 among other things:

4 (1) Authorizing the department to adopt good agricultural  
5 practices;

6 (2) Authorizing the department to establish a program to  
7 audit and certify that producers are following good  
8 agricultural practices; and

9 (3) Establishing the agricultural practices audit and  
10 certification revolving fund to establish and maintain  
11 the good agricultural practices program.

12 SECTION 2. Chapter 147, Hawaii Revised Statutes, is  
13 amended by adding a new section to part VIII to be appropriately  
14 designated and to read as follows:

15 **"§147- Agricultural practices audit and certification**  
16 **revolving fund.** (a) There is established the agricultural  
17 practices audit and certification revolving fund to be  
18 administered by the department.

19 (b) Fees received by the department for conducting audits  
20 and certifications under this part shall be deposited into the  
21 revolving fund.



1       (c) The proceeds of the revolving fund shall be expended  
2 by the department to establish and update generally accepted  
3 agricultural and management practices, conduct the audit and  
4 certification services of this part, and assist, train, and  
5 educate producers to achieve certification.

6       (d) The department may receive additional funds from other  
7 governmental agencies, agricultural organizations, and nonprofit  
8 organizations to carry out the purposes of this section. Funds  
9 received by the department under this subsection shall be  
10 deposited into the agricultural practices audit and  
11 certification revolving fund."

12       SECTION 3. Chapter 147, Hawaii Revised Statutes, is  
13 amended by amending its title to read as follows:

14                                   **"CHAPTER 147**

15                                   **GRADES [AND], STANDARDS, SAFETY, AND SECURITY"**

16       SECTION 4. Section 147-101, Hawaii Revised Statutes, is  
17 amended to read as follows:

18       **"§147-101 Certification services revolving fund.** There is  
19 established a certification services revolving fund for use by  
20 the department of agriculture to support certification or audit  
21 services established under parts I, III, IV, [~~VIII~~7] and IX.  
22 Moneys in the fund may be expended for materials, salaries,



1 equipment, training, travel, and other costs related to  
2 providing certification or audit services. Notwithstanding  
3 sections 147-10, 147-34, 147-64, [~~147-114~~] and 147-126, moneys  
4 derived from the certification or audit services provided by  
5 temporary inspectors employed under this part or from charges  
6 for traveling expenses or extraordinary services shall be  
7 deposited into the fund."

8 SECTION 5. Section 147-102, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "~~§~~**147-102**~~§~~ **Certification and audit services.** The  
11 department of agriculture shall fix, assess, and collect fees  
12 for certification or audit services provided by temporary  
13 inspectors employed under this part. The fees shall be in  
14 amounts necessary to cover all costs of the administration and  
15 provision of the certification or audit services provided under  
16 this part; provided that the department of agriculture shall  
17 establish charges for traveling expenses and extraordinary  
18 services when the performance of the services involves unusual  
19 cost. The fees and charges established by the department of  
20 agriculture shall not be subject to chapter 91. The department  
21 of agriculture may employ temporary inspectors to assist in  
22 providing certification or audit services under parts I, III,



1 IV, [VIII,] and IX, and those temporary inspectors shall be  
2 exempt from chapter 76."

3 SECTION 6. Section 147-111, Hawaii Revised Statutes, is  
4 amended by adding two new definitions to be appropriately  
5 inserted to read as follows:

6 "Good agricultural practices" means the practices adopted  
7 by the department pursuant to section 147-112.

8 "Producer" means any person engaged within the State in the  
9 growing or production for market of any agricultural commodity,  
10 or any cooperative association of such persons."

11 SECTION 7. Section 147-112, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "~~[§]147-112[§] Cooperative agreements and contracts to~~  
14 ~~provide] Agricultural safety and security; auditing and~~

15 ~~certification services. (a) The department may [enter into~~  
16 ~~cooperative agreements with the United States Department of~~  
17 ~~Agriculture or other agreements and contracts with private~~  
18 ~~parties or other governmental agencies for the purposes of:]~~  
19 establish a program to audit and certify that producers are:

20 (1) ~~[Auditing and certifying that applicants are following~~  
21 ~~good agricultural, handling, processing, and~~  
22 ~~manufacturing practices,] Following good agricultural~~



1 practices adopted by the department pursuant to  
2 subsection (b); and

3 (2) Maintaining food security and [~~product~~] traceability.

4 (b) The department may adopt good agricultural practices  
5 as deemed necessary after giving due consideration to available  
6 information of the department and written recommendations from  
7 the University of Hawaii college of tropical agriculture and  
8 human resources and any other governmental or private  
9 organization, the input of which is solicited by the department.

10 The department may adopt good agricultural practices  
11 without necessity of compliance with chapter 91; provided that  
12 the department shall hold at least one public hearing in each  
13 county before adopting or materially revising the good  
14 agricultural practices. The determination of whether a proposal  
15 requires a public hearing shall rest exclusively with the  
16 department.

17 (c) Participation in the program under subsection (a)  
18 shall be voluntary for producers. The department shall conduct  
19 audit and certification services under the program only for  
20 producers who apply, pay the relevant fee, and comply with the  
21 requirements set by the department.



1       As part of the program, the department shall assist, train,  
2 and educate producers in complying with the applicable good  
3 agricultural practices.

4       The department shall not require any producer to be subject  
5 to audit or certification if the producer has not applied to  
6 participate in the program."

7       SECTION 8. Section 147-113, Hawaii Revised Statutes, is  
8 amended to read as follows:

9       "~~{}~~**\$147-113**~~{}~~ **Audits and certification; [requests**  
10 **~~necessary.] employees and agents; agreements and contracts.~~ (a)**

11 The department may designate any employee or agent of the  
12 department to conduct the audits and ~~[certification]~~  
13 certifications authorized under this part at the request of  
14 persons having a financial interest in the business or product.  
15 These audits and certification may be requested, but in no case  
16 shall be required by the department.

17       (b) The department may enter into cooperative agreements  
18 with the United States Department of Agriculture or other  
19 agreements and contracts with private parties or other  
20 governmental agencies to conduct the audits and certifications  
21 authorized under this part."





1 SECTION 9. Section 147-114, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~+~~§147-114~~+~~ Fees and deposit of moneys. (a) The  
4 department shall fix, assess, and collect fees for the audit and  
5 certification services provided under this part. The fees shall  
6 be as established under cooperative agreement with the United  
7 States Department of Agriculture or other governmental agencies  
8 or, if not applicable, as established by rule ~~[under section~~  
9 ~~147-7.]~~ adopted pursuant to chapter 91. The department may also  
10 charge an amount necessary to cover all costs ~~[of traveling~~  
11 ~~expenses]~~ for travel and extraordinary services when the  
12 performance of the services involves unusual cost in their  
13 performance.

14 (b) ~~[Except for fees collected by the department pursuant~~  
15 ~~to part VII, all]~~ All fees and expenses collected by the  
16 department pursuant to this part shall be deposited with the  
17 director of finance to the credit of the ~~[general fund.]~~  
18 agricultural practices audit and certification revolving fund."

19 PART II

20 SECTION 10. Chapter 328, Hawaii Revised Statutes, is  
21 amended by adding a new section to part IVA to be appropriately  
22 designated and to read as follows:



1            **"§328-        Honey producers without access to municipal**  
2 **water; exemption.**    (a) A producer of raw unprocessed or  
3 processed honey, as defined in sections 147-21 and 147-51,  
4 respectively, who does not have access to municipal water  
5 supplies or infrastructure, shall not be required to process  
6 honey in a food-processing establishment certified by the  
7 department of health if the honey producer:

8            (1) Uses water that has been treated to meet or exceed  
9                            state and federal drinking water standards;

10            (2) Prepares the honey adjacent to permanent or temporary  
11                            hand-washing facilities; and

12            (3) Complies with rules adopted by the department of  
13                            health to protect the health and safety of the public.

14            (b) The honey producer shall test the water used for  
15 processing honey no less than once a month and shall maintain  
16 water quality records for a period of no less than two years.  
17 The honey producer shall make those records available to the  
18 department upon request."

19            SECTION 11. Section 328-79, Hawaii Revised Statutes, is  
20 amended to read as follows:

21            **"[+]§328-79[+] Home-based agricultural producer of honey;**  
22 **exemption.** A home-based agricultural producer of honey shall



1 not be required to process honey in a certified honey house or  
2 food processing establishment, or be required to obtain a permit  
3 from the department [~~of health~~], if the producer:

4 (1) Sells less than [~~fifty~~] five hundred gallons of honey  
5 a year;

6 (2) Sells the honey directly to consumers[+] or directly  
7 to a retail store that in turn sells the honey  
8 directly to consumers; and

9 (3) Labels each container of honey sold with:

10 (A) The name and address of the producer;

11 (B) The net weight and volume of the honey, by  
12 standard measure;

13 (C) The date the honey was produced; [~~and~~]

14 (D) The statement, "Honey should not be consumed by  
15 infants under one year of age." in clear and  
16 conspicuous print;

17 [~~D~~] (E) The statement, "This product is home-  
18 produced and processed." in clear and conspicuous  
19 print[-]; and

20 (F) The statement, "This honey was not produced or  
21 packaged in a department inspected facility." in  
22 clear and conspicuous print."



**PART III**

1

2 SECTION 12. Statutory material to be repealed is bracketed  
3 and stricken. New statutory material is underscored.

4 SECTION 13. This Act shall take effect on July 1, 2025;  
5 provided that this Act shall be repealed on June 30, 2015, and  
6 all sections and chapter titles of the Hawaii Revised Statutes  
7 amended by sections 3 through 9 of this Act shall be reenacted  
8 in the form in which they read on the day before the effective  
9 date of this Act.



**Report Title:**

Agriculture; Agricultural Safety and Security Program

**Description:**

Authorizes the department of agriculture to establish a good agricultural practices audit and certification program. Authorizes the department of agriculture to conduct audit and certification services. Specifies that the audit and certification program is voluntary for producers. Requires the charge of fees and expenses. Establishes an agricultural practices audit and certification revolving fund for the audit and certification program. Exempts honey producers who do not have access to municipal water supplies or infrastructure from processing the honey in a food processing establishment certified by the department of health if certain requirements are met. Increases the threshold for honey production, for which certain in a certified honey house or food processing establishment producers of honey are exempt from the requirement that honey be processed; provided that the producer meets certain labeling requirements. Effective 7/1/2025. Sunsets 6/30/2015. (SD1)

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

