
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature recognizes that the department
2 of agriculture has the authority to adopt rules pursuant to
3 chapter 91, Hawaii Revised Statutes. The legislature further
4 recognizes the value of the "Hawaii" designation on agricultural
5 commodities.

6 The purpose of this Act is to allow the department of
7 agriculture to establish rules relating to Hawaii geographic
8 origin labeling of agricultural commodities.

9 SECTION 2. Section 147-4, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§147-4 Rules.** The department may make rules, subject to
12 chapter 91:

13 (1) Defining declaration of Hawaii geographic origin,
14 grades and grade labeling requirements of agricultural
15 commodities, and standard containers for packing of
16 particular agricultural commodities;



- 1 (2) Prohibiting the sale, offering for sale, or
2 transportation of agricultural commodities unless
3 packed in standard containers and labeled with the
4 appropriate declaration of Hawaii geographic origin
5 and grade or offgrade designation; provided that this
6 prohibition shall not apply to the sale, offering for
7 sale, or transportation to a plant for grading,
8 packing, or processing, or transportation to a
9 warehouse for storage;
- 10 (3) Prohibiting the use of grade terms or abbreviations of
11 grade terms on agricultural commodities for which no
12 grades have been established under this part;
- 13 (4) Defining "suitable shipping condition" for
14 agricultural commodities which are to be shipped for
15 sale from one island to another within the State or to
16 points outside the State, and prohibiting such
17 shipment for sale of agricultural commodities which do
18 not meet the minimum standards set for "suitable
19 shipping condition";
- 20 (5) Prescribing records to be kept in connection with
21 purchases of agricultural commodities by persons,



1 other than produce dealers purchasing from a producer
2 or producers, for purposes of resale five or more tons
3 of agricultural commodities during any one calendar
4 month;

5 (6) Prescribing records to be kept by produce dealers in
6 connection with the purchase, sale, transport for
7 sale, solicitation, or negotiation of sale with
8 respect to an agricultural commodity; ~~and~~

9 (7) Relating to the inspection and documentation of the
10 geographic origin of Hawaii-grown green coffee
11 beans [-]; and

12 (8) Relating to the use of a declaration of Hawaii
13 geographic origin.

14 In making the rules the department shall take into account,
15 among other things, the factors of maturity, condition,
16 soundness, color, shape, size, and freedom from defects of the
17 agricultural commodity in question and shall also take into
18 consideration the official standards, grades or classifications
19 adopted by the secretary of the Department of Agriculture of the
20 United States, commonly known as U.S. Grades."



1 SECTION 3. Section 147-22, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§147-22 Rules. The department shall have the necessary
4 powers to carry out and effectuate the purposes of this part,
5 including the following:

6 To establish, prescribe, modify, or alter, by rules, such
7 grades, standards, grade labels, [and] classifications, and
8 declaration of Hawaii geographic origin as shall be the minimum
9 requirements for fresh and processed agricultural commodities
10 destined for shipment by commercial exporters to points outside
11 the State; provided that the provisions of such grades,
12 standards, grade labels, [and] classifications, and declaration
13 of Hawaii origin shall not excuse failure to comply with the
14 provisions of the federal and state food, drug, and cosmetic
15 acts. The department in establishing such rules shall consult
16 with appropriate state and federal agencies and with any
17 appropriate industry or trade organization. The standards,
18 grades, grade labels, [and] classifications, and declaration of
19 Hawaii origin so established shall be on the basis of what the
20 department may deem best suited to the agricultural,
21 horticultural, or other interests of the State; provided that



1 the minimum requirements for the grades, standards, grade
2 labels, [~~and~~] classifications, and declaration of Hawaii
3 geographic origin so established for processed agricultural
4 commodities shall not be higher than that of any standardized
5 product which is sanitary and which has been demonstrated to be
6 a commercially-acceptable product of the class to which it
7 belongs and for which a market has been established; provided
8 further that different minimum requirements may be applied to
9 different styles of processed agricultural commodities; and
10 provided further that any processed pineapple product, in which
11 the fruit ingredient is at least ninety-five per cent pineapple
12 in compliance with the provisions of the federal and state food,
13 drug, and cosmetic acts, may be exported from the State."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2112.



Report Title:

Department of Agriculture; Rulemaking; Declaration of Hawaii
Geographic Origin.

Description:

Authorizes the Department of Agriculture to adopt rules relating
to the declaration of Hawaii origin for agricultural
commodities. Effective 7/1/2112. (HD1)

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not legislation or evidence of legislative intent.*

