

JAN 27 2016

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 145, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . FARMERS MARKET VENDORS

5 §145-A Definitions. As used in this part, unless
6 otherwise required by the context:

7 "Direct-marketing" means the selling of products, including
8 value added products, of a farm or garden that is occupied or
9 cultivated by a farmer and sold directly to the consumer.

10 "Farmers market" means a scheduled operational site where
11 fresh foods are sold by the individuals who have grown,
12 gathered, raised, or caught the fresh food being sold.

13 "Home kitchen" means the kitchen of the primary domestic
14 residence of a farmer who produces a value added product that is
15 direct-marketed at a farmers market.

16 "Non-potentially hazardous value added products" means:

17 (1) Jams, jellies, and preserves;



- 1 (2) Sweet sorghum syrup;
 - 2 (3) Honey;
 - 3 (4) Fruit butter and fruit pies;
 - 4 (5) Baked goods that are not subject to spoilage;
 - 5 (6) Coffee and tea; and
 - 6 (7) Dried herbs.
- 7 "Potentially hazardous value added products" means:
- 8 (1) Meat, poultry, and eggs;
 - 9 (2) Fish and shellfish;
 - 10 (3) Cooked vegetables;
 - 11 (4) Dairy products;
 - 12 (5) Mushrooms;
 - 13 (6) Cut melons;
 - 14 (7) Unmodified cut tomatoes or mixtures of cut tomatoes;
 - 15 (8) Untreated garlic-in-oil mixtures;
 - 16 (9) Baked goods subject to spoilage, such as cream-filled
 - 17 pastries or others that must be refrigerated;
 - 18 (10) Reduced sugar jams and jellies;
 - 19 (11) Pickles and salsas; and
 - 20 (12) Raw seed sprouts.



1 **§145-B General provisions.** (a) All farmers markets shall
2 be approved by the department of health.

3 (b) Farmers may direct-market whole, uncut fresh fruits
4 and vegetables without a permit or inspection from the
5 department of health.

6 **§145-C Non-potentially hazardous value added products;**
7 **labeling requirements.** (a) Farmers who use their own
8 agricultural product to produce non-potentially hazardous value
9 added products in their home kitchens are exempt from department
10 of health permit and inspection requirements.

11 (b) Non-potentially hazardous value added products that do
12 not require time or temperature control for safety may be
13 produced in a home kitchen for direct-marketing to customers at
14 a regularly scheduled farmers market; provided that in addition
15 to labeling requirements for all value added agricultural
16 products, a product produced in a home kitchen shall include a
17 label with clear and conspicuous print stating:

18 "This product is homemade and not subject to state
19 inspection."

20 **§145-D Potentially hazardous value added products;**
21 **labeling requirement.** (a) Farmers market vendors who direct-



1 market potentially hazardous value added products shall comply
2 with the administrative rules of the department of health and
3 the requirements of this section. A farmers market vendor whose
4 product has been approved for sale within a regularly scheduled
5 farmers market shall be provided with a department of health
6 permit valid for a period of one year.

7 (b) The sale, offering for sale, or distribution by a
8 farmers market vendor of any potentially hazardous value added
9 product that is intended for human consumption within the State
10 is prohibited unless the finished product containers produced by
11 the farmers market vendor are clean and sanitary and labeled in
12 clean and conspicuous language to show:

- 13 (1) The name and address of the processor;
14 (2) The common or usual name of the food;
15 (3) The common or usual name of each ingredient, except
16 that spices, flavorings, and colorings may be
17 designated as spices, flavorings, and colorings
18 without naming each, and spices and flavorings may be
19 designated together as flavorings; and
20 (4) The net weight, standard measure, or numerical count."



S.B. NO. 2989

1 SECTION 2. This Act shall take effect upon its approval.

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S.B. NO. 2989

Report Title:

Farmers Market Vendors; Permit and Inspection; Labeling

Description:

Requires farmers market vendors that direct-market potentially hazardous value added products to obtain a permit from the Department of Health. Exempts non-potentially hazardous value added products from Department of Health permitting or inspection. Establishes labeling requirements for value added products sold at farmers markets.

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