

JAN 23 2015

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 157, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§157- Raw milk. (a) The acquisition of raw milk or
5 raw milk products from cows, goats, or sheep by a consumer for
6 use or consumption by the consumer shall not be prohibited if
7 the following conditions are met:

8 (1) The consumer is an owner of a cow, cow share, goat,
9 goat share, sheep, or sheep share who acquires raw
10 milk or raw milk products directly from the farm or
11 dairy where the cow, goat, sheep, or dairy herd is
12 located and the farm or dairy is registered pursuant
13 to subsection (b);

14 (2) The raw milk or raw milk products are acquired
15 pursuant to a cow share, goat share, or sheep share;

16 (3) A prominent warning statement that the raw milk or raw
17 milk products are not pasteurized is delivered to the



1 consumer with the raw milk or raw milk products or is
2 displayed on a label affixed to the container; and
3 (4) Information describing the standards used by the farm
4 or dairy with respect to herd health and the
5 production of raw milk or raw milk products from the
6 herd is provided to the consumer by the farm or dairy,
7 including information that describes the type of tests
8 performed on the milk and the results of those tests
9 and the types of tests performed on the cow, goat, or
10 sheep that produced the raw milk or raw milk products
11 and the applicable result of those tests.

12 An owner of a cow share, goat share, or sheep share in a
13 cow, goat, sheep, or dairy herd may acquire raw milk or raw milk
14 products on behalf of another owner of the same cow, goat,
15 sheep, or dairy herd. A person who is not an owner of a cow
16 share, goat share, or sheep share in the same cow, goat, sheep,
17 or dairy herd shall not acquire raw milk or raw milk products on
18 behalf of the owner of a cow share, goat share, or sheep share.

19 (b) Farms or dairies that provide raw milk or raw milk
20 products to consumers shall register with the State by



1 delivering to the department of health a written statement
2 containing:

3 (1) The name of the farm or dairy;

4 (2) A valid, current address of the farm or dairy; and

5 (3) A statement that raw milk or raw milk products are
6 being produced at the farm or dairy.

7 (c) Notwithstanding any other law to the contrary, farms
8 or dairies that provide raw milk or raw milk products may set up
9 a location near an improved road to distribute their products to
10 the owners of a cow share, goat share, or sheep share, but may
11 not distribute their products to the general public.

12 (d) No person who, as a consumer, acquires raw milk or raw
13 milk products in accordance with this section shall be entitled
14 to sell or redistribute the raw milk or raw milk products.

15 (e) No producer of raw milk or raw milk products shall
16 publish any statement that implies approval or endorsement of
17 the raw milk or raw milk products by the department of health.

18 (f) For the purposes of this section, unless the context
19 clearly indicates otherwise:

20 "Cow share", "goat share", or "sheep share" means an
21 undivided interest in a cow, goat, or sheep, respectively, or



1 herd of cows, goats, or sheep, respectively, created by a
 2 written contractual relationship between a consumer and a farm
 3 or dairy that includes a boarding contract under which the
 4 consumer boards the cow, goat, sheep, or herd of cows, goats, or
 5 sheep in which the consumer has an interest with the farm or
 6 dairy for care and milking, and under which the consumer is
 7 entitled to receive a share of milk from the cow, goat, sheep,
 8 or herd of cows, goats, or sheep.

9 "Raw milk" means the lacteal secretion that comes straight
 10 out of a mammal and has not been pasteurized or homogenized.

11 "Raw milk products" means any food which contains raw milk
 12 and shall include but not be limited to butter, cheese, cottage
 13 cheese, cream, and kefir."

14 SECTION 2. Section 157-21, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 "§157-21 Licensing. [It] Except as provided in section
 17 157- , it shall be unlawful for any producer, producer-
 18 distributor, or distributor to produce, sell, process, or
 19 distribute milk in a milk shed unless the person is duly
 20 licensed as provided by this chapter. It shall be unlawful for
 21 any such person to sell, buy, process, or distribute milk which



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1 the person knows or has reason to believe has been produced or
2 handled in violation of this chapter."

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

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

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INTRODUCED BY:

Pross E. Blum

John D.

Stewart

~~AC. Kitch-ago~~

Erzanne Chun Oakland

Mike Gabbard

Matthew

Will Egan

Annex, Dan



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Report Title:

Raw Milk; Agriculture; Public Health; Cow, Goat, Sheep Shares; Herdsharing

Description:

Permits the acquisition of raw milk and raw milk products by owners of cows, goats, and sheep and cow, goat, and sheep shares if certain conditions are met. Requires farms and dairies that produce raw milk or raw milk products to register with the department of health. Permits farms and dairies to set up a location near an improved road to distribute their products to owners of cow, sheep, or goat shares. Prohibits the sale and redistribution of raw milk and raw milk products.

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

