

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 acquires raw milk or raw milk products
9 directly from the farm or dairy where the cow, goat,
10 sheep, or dairy herd is located and the farm or dairy
11 is registered pursuant to subsection (b);

12 (2) A prominent warning statement that the raw milk or raw
13 milk products are not pasteurized is delivered to the
14 consumer with the raw milk or raw milk products or is
15 displayed on a label affixed to the container; and

16 (3) Information describing the standards used by the farm
17 or dairy with respect to herd health and the



1 production of raw milk or raw milk products from the
2 herd is provided to the consumer by the farm or dairy,
3 including information that describes the type of tests
4 performed on the milk and the results of those tests
5 and the types of tests performed on the cow, goat, or
6 sheep that produced the raw milk or raw milk products
7 and the applicable result of those tests.

8 (b) Farms or dairies that provide raw milk or raw milk
9 products to consumers shall register with the State by
10 delivering to the department of health a written statement
11 containing:

- 12 (1) The name of the farm or dairy;
- 13 (2) A valid, current address of the farm or dairy; and
- 14 (3) A statement that raw milk or raw milk products are
15 being produced at the farm or dairy.

16 (c) Notwithstanding any other law to the contrary, farms
17 or dairies that provide raw milk or raw milk products may set up
18 a location near an improved road to distribute their products to
19 the general public.



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

4 (e) No producer of raw milk or raw milk products shall
5 publish any statement that implies approval or endorsement of
6 the raw milk or raw milk products by the department of health.

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

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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Report Title:

Raw Milk; Agriculture; Public Health

Description:

Permits the acquisition of raw milk and raw milk products by consumers 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 consumers. Prohibits the sale and redistribution of raw milk and raw milk products.

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