
A BILL FOR AN ACT

RELATING TO RAW MILK.

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

PART I

SECTION 1. The legislature finds that many people would like to consume raw, unpasteurized milk and raw milk products based on the products' health benefits and taste. Some studies have shown that raw milk helps reduce allergies, boost immunity, hydrate skin, and address nutritional deficiencies. Raw milk has a unique flavor that may be destroyed by the double pasteurization process generally required for commercial milk sales. It also contains bacteria that are essential flavor components for some cheeses.

The legislature recognizes that raw milk can be produced safely and that its sale is permitted in many states. At least twelve states allow the sale of raw milk in retail stores. Two states permit it to be sold at farmers markets, and at least twelve states allow farmers to sell raw milk directly to consumers. The legislature believes Hawaii's consumers also



1 deserve this freedom of choice and should be permitted to
2 purchase raw milk and raw milk products directly from farmers.

3 Accordingly, the purpose of this part is to allow milk
4 producers to sell raw milk and raw milk products directly to
5 consumers, with certain conditions.

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

9 **"§157- Raw milk and raw milk products; direct sales.**

10 (a) Notwithstanding any provision to the contrary, a producer
11 may sell raw milk and raw milk products directly to consumers
12 for human consumption, subject to rules adopted by the board
13 pursuant to subsection (b); provided that the farm or facility
14 from which the raw milk or raw milk product originated shall own
15 or house no more than two milk-bearing cows.

16 (b) No later than July 1, 2023, the board shall adopt
17 rules pursuant to chapter 91 governing the direct sale to
18 consumers of raw milk and raw milk products for human
19 consumption. The rules shall:



(1) Include conditions similar to those found in the administrative rules of other states that allow the sale of raw milk and raw milk products;

(2) Establish standards to ensure that raw milk and raw milk products are not contaminated during production or sale; and

(3) Regulate any circumstances under which producers may share cows for the purposes of producing raw milk or raw milk products.

(c) Each container of raw milk or raw milk product intended for sale shall include on the container or packaging:

(1) A label reading "RAW MILK", "RAW MILK PRODUCT", or "CONTAINS RAW MILK PRODUCTS", as applicable; and

(2) A statement reading "Contains pathogens that may be unsafe to consume".

SECTION 3. Section 157-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"Raw milk" means milk that has not been pasteurized or otherwise treated with heat.



1 "Raw milk product" means any product produced from raw
2 milk, including cheese, kefir, and yogurt."

3 SECTION 4. Section 157-21, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§157-21 Licensing.** ~~[It]~~ Except as provided in section
6 157- , it shall be unlawful for any producer,
7 producer-distributor, or distributor to produce, sell, process,
8 or distribute milk in a milk shed unless the person is duly
9 licensed as provided by this chapter. It shall be unlawful for
10 any such person to sell, buy, process, or distribute milk
11 ~~[which]~~ that the person knows or has reason to believe has been
12 produced or handled in violation of this chapter."

13 SECTION 5. Section 157-41, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Any person who violates this chapter shall be guilty
16 of a misdemeanor and subject to a fine of ~~[not]~~ no less than
17 \$250 or more than \$1,000 or imprisonment for ~~[not]~~ no more than
18 one year, or both~~[-]~~; provided that the direct sale to consumers
19 of raw milk or raw milk products for human consumption pursuant
20 to section 157- , and any rules adopted to implement section
21 157- , shall not constitute a violation of this chapter."



PART II

SECTION 6. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§321- Raw goat milk; sales. (a) Notwithstanding any provision to the contrary, raw goat milk may be sold for pet consumption.

(b) No later than July 1, 2023, the department of health shall adopt rules pursuant to chapter 91 governing the sale of raw goat milk for pet consumption. The rules shall:

(1) Include conditions similar to those found in the administrative rules of other states that allow the sale of raw goat milk;

(2) Establish standards to ensure that raw goat milk is not contaminated during production or sale; and

(3) Regulate any circumstances under which producers may share goats for the purposes of producing raw goat milk.

(c) Each container of raw goat milk intended for sale for pet consumption shall include on the container or packaging:

(1) A label reading "RAW GOAT MILK"; and



(2) A statement reading "Contains pathogens that may be unsafe for human consumption".

(d) For the purposes of this section: .

"Goat milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats.

"Raw goat milk" means goat milk that has not been
pasteurized or otherwise treated with heat."

PART III

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect on January 1, 2050.



H.B. NO. 2028 H.D. 2

Report Title:

Raw Milk; Raw Milk Products; Raw Goat Milk; Sales; BOA; DOH

Description:

Authorizes and decriminalizes the direct sale of raw milk and raw milk products to consumers for human consumption, with certain restrictions. Authorizes the sale of raw goat milk for pet consumption. Requires the BOA and DOH to adopt rules by 7/1/2023. Establishes labeling requirements. Effective 1/1/2050. (HD2)

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