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# A BILL FOR AN ACT

RELATING TO LABELING OF MACADAMIA NUTS.

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

1           SECTION 1. The legislature finds that Hawaii-grown  
2 commodities of the State are an important economic sector of  
3 Hawaii's economy and the branding of such commodities is  
4 critical to protect and safeguard consumers. The macadamia nut  
5 production industry in Hawaii is one such example. According to  
6 statistics from the United States Department of Agriculture  
7 National Agricultural Statistics Service, the value of the  
8 macadamia-nut crop in Hawaii in 2022 totaled \$33,200,000.

9           Accordingly, the purpose of this Act is to enhance,  
10 preserve, and protect the premium brand and cachet of Hawaii-  
11 grown macadamia nuts by clarifying the labeling requirements for  
12 macadamia nuts, including requiring the country of origin to be  
13 included on the principal display panel of a consumer package of  
14 raw or processed macadamia nuts.

15           SECTION 2. Section 486-120.5, Hawaii Revised Statutes, is  
16 amended to read as follows:



1           **"§486-120.5 Macadamia nuts; labeling requirements. (a)**

2   If a label on a consumer package contains language or branding  
3   that all of the raw or processed macadamia nuts contained in the  
4   package were grown in [~~Hawaii~~] the State, the label shall be  
5   worded, "100% Hawaii-Grown Macadamia Nuts", "Hawaii-Grown  
6   Macadamia Nuts", "100% Hawaiian Macadamia Nuts", or "Hawaiian  
7   Macadamia Nuts", and shall appear on the principal display panel  
8   of the package.

9           (b) If a label on a consumer package contains language or  
10 branding that a portion of the raw or processed macadamia nuts  
11 contained in the package [~~was~~] were grown in [~~Hawaii~~] the  
12 State, the label shall be worded "Hawaii-Grown Macadamia Nuts",  
13 preceded by the per cent by weight of the macadamia nuts  
14 contained in the package that were grown in [~~Hawaii~~] the State,  
15 and shall appear on the principal display panel of the package.  
16 The per cent by weight of the macadamia nuts in the package  
17 shall be the percentage calculated by dividing the weight in  
18 pounds of the macadamia nuts grown in [~~Hawaii~~] the State that  
19 are in the package by the weight in pounds of all macadamia nuts  
20 in the package and multiplying the quotient by one hundred. A  
21 listing of the countries of origin of the portion of the raw or



1 processed macadamia nuts not grown in the State that are  
2 included in the package shall also be shown on the principal  
3 display panel pursuant to section 304 of the Tariff Act of 1930  
4 (19 U.S.C. 1304), as amended.

5 (c) All nonconsumer packages containing macadamia nuts  
6 grown in the State and introduced into intrastate or interstate  
7 commerce shall bear on the package a label containing language  
8 that the package contains Hawaii-grown macadamia nuts. This  
9 label shall be in addition to all other labeling requirements  
10 specified in this chapter.

11 (d) Any person keeping, offering, displaying, exposing for  
12 sale, or soliciting for sale, any raw or processed macadamia nut  
13 product, [~~which~~] that represents or [~~which~~] is branded or  
14 labeled that all or a percentage or portion of the macadamia  
15 nuts were grown in [~~Hawaii,~~] the State, shall make available to  
16 the administrator, upon demand, documented proof that the amount  
17 of macadamia nuts represented to be grown in the State, [~~was~~]  
18 were grown in the State.

19 (e) It shall be a violation of this part[+] to use a  
20 label:



1           (1) ~~[To use a label containing]~~ Containing the words,  
2           "100% Hawaii-Grown Macadamia Nuts", "Hawaii-Grown  
3           Macadamia Nuts", "100% Hawaiian Macadamia Nuts", or  
4           "Hawaiian Macadamia Nuts", or similar wording, or to  
5           otherwise represent that all of the macadamia nuts in  
6           the package were grown in ~~[Hawaii,]~~ the State, if any  
7           portion of the macadamia nuts contained in the package  
8           ~~[was]~~ were not grown in the State;

9           (2) ~~[To use a label, as]~~ As provided for under subsection  
10          (b), containing the words "Hawaii-Grown Macadamia  
11          Nuts" preceded by a percentage, if less than the  
12          specified percentage or none of the macadamia nuts in  
13          the package ~~[was]~~ were grown in the State; ~~[or]~~

14          (3) ~~[To use a label representing]~~ Representing that any of  
15          the macadamia nuts contained in the package ~~[was]~~ were  
16          grown in the State, if none of the macadamia nuts  
17          contained in the package ~~[was]~~ were grown in the  
18          State.

19          (f) Any person who violates this section shall be subject  
20          to penalties under section 486-32."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New Statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2024.

4

INTRODUCED BY:

  
JAN 22 2024



# H.B. NO. 2278

**Report Title:**

Macadamia Nuts; Labeling Requirements; Country of Origin

**Description:**

Clarifies labeling requirements for macadamia nuts. Requires country of origin to be included on the principal display panel of a consumer package of raw or processed macadamia nuts.

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