

JAN 25 2023

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

3 "**§486-120.5 Macadamia nuts; labeling requirements.** (a)

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

10 (b) If a label on a consumer package contains language
11 that a portion of the raw or processed macadamia nuts contained
12 in the package was grown in Hawaii, the label shall be worded
13 "Hawaii-Grown Macadamia Nuts", preceded by the per cent by
14 weight of the macadamia nuts contained in the package that were
15 grown in Hawaii, and shall appear on the principal display panel
16 of the package. The per cent by weight of the macadamia nuts in
17 the package shall be the percentage calculated by dividing the



1 weight in pounds of the macadamia nuts grown in Hawaii that are
2 in the package by the weight in pounds of all macadamia nuts in
3 the package and multiplying the quotient by one hundred. A
4 listing of the countries of origin of the portion of the raw or
5 processed macadamia nuts not grown in Hawaii that are included
6 in the package shall also be shown on the label.

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

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

20 (e) It shall be a violation of this part:



S.B. NO. 1574

- 1 (1) To use a label containing the words, "100% Hawaii-
2 Grown Macadamia Nuts", "Hawaii-Grown Macadamia Nuts",
3 "100% Hawaiian Macadamia Nuts", or "Hawaiian Macadamia
4 Nuts", or similar wording, or to otherwise represent
5 that all of the macadamia nuts in the package were
6 grown in Hawaii, if any portion of the macadamia nuts
7 contained in the package was not grown in the State;
- 8 (2) To use a label, as provided for under subsection (b),
9 containing the words "Hawaii-Grown Macadamia Nuts"
10 preceded by a percentage, if less than the specified
11 percentage or none of the macadamia nuts in the
12 package was grown in the State; [~~or~~]
- 13 (3) To use a label, as provided for under subsection (b),
14 containing the words "Hawaii-Grown Macadamia Nuts"
15 that misrepresents the origin of the macadamia nuts in
16 the package as being grown in the State, including but
17 not limited to the use of a company name or the use of
18 images of the State, if less than the specified
19 percentage or none of the macadamia nuts in the
20 package were grown in the State; or



1 [~~3~~] (4) To use a label representing that any of the
2 macadamia nuts contained in the package was grown in
3 the State, if none of the macadamia nuts contained in
4 the package was grown in the State.

5 (f) Any person who violates this section shall be subject
6 to penalties under section 486-32.

7 (g) Any person injured by a violation of this section may
8 bring a civil action in court for damages."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New Statutory material is underscored.

11 SECTION 3. This Act shall take effect on July 1, 2023.

12

INTRODUCED BY: DKU

S.B. NO. 1574

Report Title:

Macadamia Nuts; Labeling Requirements; Country of Origin;
Private Right of Action

Description:

Clarifies labeling requirements for macadamia nuts. Requires country of origin to be included on the label of a consumer package of raw or processed macadamia nuts. Allows a private right of action for violations.

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

