

1 of choice and should be permitted to purchase raw milk and raw
2 milk products directly from producers, while also maintaining
3 high standards of safety and quality.

4 Accordingly, the purpose of this Act is to allow milk
5 producers to sell raw milk products directly to consumers,
6 subject to certain conditions.

7 SECTION 3. Chapter 157, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 **"PART . RAW MILK AND ASSOCIATED PRODUCTS**

11 **§157-A Definitions.** For the purposes of this part:

12 "Distribute" means to transfer an item or offer to transfer
13 an item to another person, either free of charge or by sale or
14 exchange.

15 "Milk-bearing animal" means a cow, goat, or sheep that is
16 actively producing milk.

17 "Raw milk" means milk that is not pasteurized, graded, or
18 otherwise treated with heat.

19 "Raw milk dairy" means an operation owned or operated by a
20 raw milk producer in which no more than ten milk-bearing animals
21 are maintained to actively produce milk at any one time.



1 "Raw milk dairy product" means a product, other than a raw
2 milk product, that is manufactured using milk or a milk product
3 as the primary ingredient and that includes any quantity of raw
4 milk.

5 "Raw milk producer" means a milk producer that owns or
6 operates a raw milk dairy.

7 "Raw milk product" means a product that is manufactured
8 using milk as its exclusive ingredient and that includes any
9 quantity of raw milk.

10 **§157-B Raw milk; direct distribution permitted. (a)**

11 Notwithstanding any law to the contrary, beginning July 1, 2026,
12 a raw milk producer may distribute raw milk, raw milk products,
13 and raw milk dairy products directly to consumers for human
14 consumption, subject to compliance with this part and rules
15 adopted by the board pursuant to subsection (b); provided that:

16 (1) The raw milk dairy from which the raw milk, raw milk
17 product, or raw milk dairy product originated shall
18 own or house no more than ten milk-bearing animals;

19 (2) The raw milk shall be produced exclusively from the
20 milk-bearing animals maintained at the raw milk dairy;



- 1 (3) The raw milk shall be produced at the raw milk dairy
2 in a manner that protects the health and safety of
3 persons consuming the raw milk, pursuant to rules
4 adopted by the board;
- 5 (4) Every twelve months, a licensed veterinarian shall
6 examine each milk-bearing animal maintained at the raw
7 milk producer's raw milk dairy to determine the milk-
8 bearing animal's health status. The examination shall
9 include a blood test to detect the presence of any
10 common diseases afflicting milk-bearing animals;
- 11 (5) Each month, the raw milk producer shall test each
12 milk-bearing animal maintained at the raw milk
13 producer's raw milk dairy to determine the milk-
14 bearing animal's coliform count and standard plate
15 count; provided that the raw milk producer shall post
16 the summary of the test at the raw milk dairy's
17 distribution point for the raw milk;
- 18 (6) No raw milk producer shall:
- 19 (A) Process, market, or distribute raw milk if the
20 raw milk exceeds the acceptable bacteria count
21 limit; or



1 (B) Manufacture, market, or distribute a raw milk
2 product or raw milk dairy product if the raw milk
3 used as an ingredient exceeds the acceptable
4 bacteria count limit.

5 Notwithstanding rules adopted by the board, the
6 acceptable bacteria count limit shall be ten
7 colony-forming units per milliliter (10 cfu/mL) for a
8 bacteria coliform count or twenty-five thousand
9 colony-forming units per milliliter (25,000 cfu/mL)
10 for a standard plate count;

11 (7) The raw milk producer shall retain a record of each
12 test conducted at the raw milk dairy for a period of
13 three years; and

14 (8) If a milk-bearing animal maintained at a raw milk
15 dairy is administered an antibiotic drug, the raw milk
16 producer shall comply with the following health
17 protocols and any other rules adopted by the board:

18 (A) The antibiotic drug shall be:

19 (i) Approved by the United States Food and Drug
20 Administration for its intended use;



- 1 (ii) Stored in a closed, labeled container as
- 2 provided by the manufacturer of the
- 3 antibiotic drug before being administered;
- 4 and
- 5 (iii) Administered as directed by the manufacturer
- 6 of the antibiotic drug;
- 7 (B) No raw milk produced from the milk-bearing animal
- 8 before the expiration of the production waiting
- 9 period prescribed by the manufacturer of the
- 10 antibiotic drug shall be:
- 11 (i) Processed, marketed, or distributed for
- 12 human consumption; and
- 13 (ii) Manufactured, marketed, or distributed as a
- 14 raw milk product or raw milk dairy product
- 15 that uses the raw milk as an ingredient;
- 16 (C) The manufacturer of the antibiotic drug may
- 17 provide directions on the label of the container
- 18 storing the antibiotic drug or other source of
- 19 information controlled by the manufacturer
- 20 regarding the use of the antibiotic drug; and



1 (D) The raw milk producer shall retain records
2 identifying the type and dosage of each
3 antibiotic drug administered to a milk-bearing
4 animal maintained at the raw milk dairy, each
5 milk-bearing animal that is administered an
6 antibiotic drug, and the date and location of the
7 antibiotic drug administration. The raw milk
8 producer shall retain the records for a period of
9 three years.

10 (b) No later than July 1, 2026, the board shall adopt
11 rules pursuant to chapter 91 governing the direct distribution
12 to consumers of raw milk, raw milk products, and raw milk dairy
13 products for human consumption in compliance with this part.
14 The rules shall:

15 (1) Establish standards for sanitation, testing, storage,
16 handling, and transportation to ensure that raw milk,
17 raw milk products, and raw milk dairy products are not
18 contaminated during production or distribution; and

19 (2) Regulate any circumstances under which raw milk
20 producers may share animals for the purpose of



1 producing raw milk, raw milk products, or raw milk
2 dairy products.

3 **§157-C Processing and manufacturing of raw milk.** (a) In
4 accordance with any rules adopted by the board pursuant to
5 section 157-B, raw milk produced at a raw milk dairy shall be
6 processed and manufactured at the raw milk dairy in a manner
7 that protects the health and safety of persons consuming the
8 processed raw milk, raw milk product, or raw milk dairy product.

9 (b) The raw milk shall be distributed no later than seven
10 calendar days after it was produced by a milk-bearing animal.

11 (c) The raw milk, raw milk product, raw milk dairy
12 product, or any other item using raw milk as an ingredient shall
13 be kept for storage prior to distribution at a temperature not
14 to exceed forty-five degrees Fahrenheit.

15 **§157-D Distribution of raw milk or associated products.**

16 (a) Each raw milk producer shall only accept an order for the
17 distribution of raw milk, a raw milk product, or a raw milk
18 dairy product at the raw milk producer's raw milk dairy in which
19 the raw milk, raw milk product, or raw milk dairy product is
20 produced or manufactured. The raw milk producer shall only
21 distribute the raw milk, raw milk product, or raw milk dairy



1 product to the individual placing the order. The raw milk
2 producer may distribute the raw milk, raw milk product, or raw
3 milk dairy product to the raw milk recipient without charge, on
4 a retail basis, or for exchange.

5 (b) The recipient of the raw milk, raw milk product, or
6 raw milk dairy product may examine any applicable records
7 required to be retained by the raw milk producer as provided in
8 section 157-B, including any of the following:

9 (1) The coliform count and standard plate count of
10 milk-bearing animals maintained at the raw milk dairy
11 owned or operated by the raw milk producer; and

12 (2) The administration of antibiotic drugs to milk-bearing
13 animals maintained at the raw milk dairy owned or
14 operated by the raw milk producer.

15 (c) If the raw milk producer distributes the raw milk, raw
16 milk product, or raw milk dairy product in a container, the
17 container shall be labeled as provided in section 157-E.

18 (d) The raw milk producer shall directly distribute the
19 raw milk, raw milk product, or raw milk dairy product to the
20 recipient at the raw milk dairy or to a location specified by
21 the recipient; provided that no raw milk, raw milk product, or



1 raw milk dairy product shall be delivered to a place of business
2 where food or food items are distributed on a retail basis. The
3 raw milk, raw milk product, or raw milk dairy product shall only
4 be used for human consumption by the recipient, members of the
5 recipient's household, or the recipient's non-paying guests or
6 non-paying employees.

7 (e) No person shall redistribute raw milk, raw milk
8 products, or raw milk dairy products.

9 **§157-E Labeling containers holding raw milk or associated**
10 **products.** (a) Each raw milk producer who distributes raw milk,
11 a raw milk product, or a raw milk dairy product shall label the
12 container holding the raw milk, raw milk product, or raw milk
13 dairy product. The label shall be permanently affixed to the
14 container. The words on the label shall be printed in at least
15 twelve-point boldface type. If the container includes a main
16 informational or advertising panel, the label shall be part of
17 the panel.

18 (b) For a container holding raw milk, the label shall
19 state the following:

20 "RAW MILK

21 NOTICE TO CONSUMERS



1 THIS CONTAINER HOLDS RAW MILK THAT IS NOT SUBJECT TO STATE
2 INSPECTION OR OTHER PUBLIC HEALTH REGULATIONS THAT REQUIRE
3 PASTEURIZATION AND GRADING. RAW MILK MAY CONTAIN HARMFUL
4 BACTERIA THAT ARE UNSAFE TO CONSUME.".

5 (c) For a container holding a raw milk product or raw milk
6 dairy product, the label shall state the following:

7 "RAW MILK PRODUCT or CONTAINS RAW MILK PRODUCTS
8 NOTICE TO CONSUMERS

9 THIS CONTAINER HOLDS A RAW MILK PRODUCT OR RAW MILK DAIRY
10 PRODUCT THAT IS NOT SUBJECT TO STATE INSPECTION OR OTHER PUBLIC
11 HEALTH REGULATIONS THAT REQUIRE PASTEURIZATION AND GRADING.
12 THIS PRODUCT MAY CONTAIN BACTERIA THAT ARE UNSAFE TO CONSUME.".

13 **§157-F Enforcement actions.** Upon request, a raw milk
14 producer shall provide the department of health with all records
15 required to be kept by the raw milk producer as provided in
16 section 157-B, including records relating to:

17 (1) The coliform count and standard plate count of
18 milk-bearing animals maintained by the raw milk
19 producer at a raw milk dairy; and



1 (2) The administration of antibiotic drugs to milk-bearing
2 animals maintained by the raw milk producer at a raw
3 milk dairy;
4 provided that the request shall be based on an affidavit signed
5 by a licensed physician certifying that in the physician's
6 opinion, an individual contracted an illness as a direct result
7 of consuming raw milk produced at a raw milk dairy or consuming
8 a raw milk product or a raw milk dairy product manufactured at a
9 raw milk dairy."

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

12 "**§157-21 Licensing.** [~~It~~] Except as provided in part _____,
13 it shall be unlawful for any producer, producer-distributor, or
14 distributor to produce, sell, process, or distribute milk in a
15 milk shed unless the person is duly licensed as provided by this
16 chapter. It shall be unlawful for any [~~such~~] person to sell,
17 buy, process, or distribute milk [~~which~~] that the person knows
18 or has reason to believe has been produced or handled in
19 violation of this chapter."

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



1 SECTION 7. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 8. In codifying the new sections added by section
5 3 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 9. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 10. This Act shall take effect on July 1, 2025.

11

INTRODUCED BY:



JAN 17 2025



H.B. NO. 456

Report Title:

BOA; DOH; Raw Milk; Raw Milk Products; Raw Milk Dairy Products; Raw Goat Milk; Sales; Mark Nakashima Act

Description:

Authorizes and decriminalizes the sale of raw milk, raw milk products, and raw milk dairy products directly from producers to consumers for human consumption, subject to certain restrictions. Authorizes the direct sale of raw goat milk for pet consumption. Establishes labeling requirements. Requires the Board of Agriculture and Department of Health to adopt rules no later than 7/1/2026.

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