



GOV. MSG. NO. **922**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 8, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 8, 2007, the following bill was signed into law:

HB1628 HD1 SD1 CD1

A BILL FOR AN ACT RELATING TO HAWAII
MACADAMIA NUT PRODUCT LABELING.
(ACT 164)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on JUN 8 2007

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

ACT 164

H.B. NO. 1628
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO HAWAII MACADAMIA NUT PRODUCT LABELING.

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

1 SECTION 1. Section 486-120.5, Hawaii Revised Statutes, is
2 amended 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
18 weight in pounds of the macadamia nuts grown in Hawaii that are



1 in the package by the weight in pounds of all macadamia nuts in
2 the package and multiplying the quotient by one hundred.

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

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

17 ~~[(d)]~~ (e) It shall be a violation of this part ~~[(e)]~~:

18 (1) To use a label containing the words, "100% Hawaii-
19 Grown Macadamia Nuts", "Hawaii-Grown Macadamia Nuts",
20 "100% Hawaiian Macadamia Nuts", or "Hawaiian Macadamia
21 Nuts", or similar wording, or to otherwise represent
22 that all of the macadamia nuts in the package were



1 grown in Hawaii, if any portion of the macadamia nuts
2 contained in the package [~~are~~] was not grown in the
3 State~~[-]~~;

4 (2) To use a label, as provided for under subsection (b),
5 containing the words "Hawaii-Grown Macadamia Nuts"
6 preceded by a percentage, if less than the specified
7 percentage or none of the macadamia nuts in the
8 package was grown in the State; or

9 (3) To use a label representing that any of the macadamia
10 nuts contained in the package was grown in the State,
11 if none of the macadamia nuts contained in the package
12 was grown in the State.

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

15 SECTION 2. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun, before its effective date.

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon approval.



H.B. NO. 1628
H.D. 1
S.D. 1
C.D. 1

APPROVED this 8 day of JUN , 2007



GOVERNOR OF THE STATE OF HAWAII