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# 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[~~r~~];

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

**Report Title:**

Hawaii Macadamia Nut Product Labeling

**Description:**

Requires products with labels representing that a portion of the macadamia nuts in the package was grown in Hawaii, to specify the percentage of Hawaiian-grown macadamia nuts. Prohibits labeling that incorrectly represents that any of the macadamia nuts contained in the package were grown in Hawaii. (HB1628 CD1)

HB1628 CD1 HMS 2007-4018

