

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

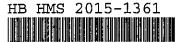
1	SECTION 1. The legislature recognizes that the department		
2	of agriculture has the authority to adopt rules pursuant to		
3	chapter 91, Hawaii Revised Statutes. The legislature further		
4	recognizes the value of the "Hawaii" designation on agricultural		
5	commodities.		
6	The purpose of this Act is to allow the department of		
7	agriculture to establish rules relating to Hawaii geographic		
8	origin labeling of agricultural commodities.		
9	SECTION 2. Section 147-4, Hawaii Revised Statutes, is		
10	amended to read as follows:		
11	"§147-4 Rules. The department may make rules, subject to		
12	chapter 91:		
13	(1) Defining declaration of Hawaii geographic origin,		
14	grades and grade labeling requirements of agricultural		
15	commodities, and standard containers for packing of		
16	particular agricultural commodities;		

1	(2)	Prohibiting the sale, offering for sale, or
2		transportation of agricultural commodities unless
3		packed in standard containers and labeled with the
4		appropriate declaration of Hawaii geographic origin
5		and grade or offgrade designation; provided that this
6		prohibition shall not apply to the sale, offering for
7		sale, or transportation to a plant for grading,
8		packing, or processing, or transportation to a
9		warehouse for storage;
10	(3)	Prohibiting the use of grade terms or abbreviations of
11		grade terms on agricultural commodities for which no
12		grades have been established under this part;
13	(4)	Defining "suitable shipping condition" for
14		agricultural commodities which are to be shipped for
15		sale from one island to another within the State or to
16		points outside the State, and prohibiting such
17		shipment for sale of agricultural commodities which do
18		not meet the minimum standards set for "suitable
19		shipping condition";
20	(5)	Prescribing records to be kept in connection with
21		purchases of agricultural commodities by persons,

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1		other than produce dealers purchasing from a producer	
2		or producers, for purposes of resale five or more tons	
3		of agricultural commodities during any one calendar	
4		month;	
5	(6)	Prescribing records to be kept by produce dealers in	
6		connection with the purchase, sale, transport for	
7		sale, solicitation, or negotiation of sale with	
8		respect to an agricultural commodity; [and]	
9	(7)	Relating to the inspection and documentation of the	
10		geographic origin of Hawaii-grown green coffee	
11		beans[-]; and	
12	(8)	Relating to the use of a declaration of Hawaii	
13		geographic origin.	
14	In ma	aking the rules the department shall take into account,	
15	among oth	er things, the factors of maturity, condition,	
16	soundness, color, shape, size, and freedom from defects of the		
17	agricultural commodity in question and shall also take into		
18	consideration the official standards, grades or classifications		
19	adopted by the secretary of the Department of Agriculture of the		
20	United States, commonly known as U.S. Grades."		

- 1 SECTION 3. Section 147-22, Hawaii Revised Statutes, is
- 2 amended to read as follows:
- 3 "\$147-22 Rules. The department shall have the necessary
- 4 powers to carry out and effectuate the purposes of this part,
- 5 including the following:
- 6 To establish, prescribe, modify, or alter, by rules, such
- 7 grades, standards, grade labels, [and] classifications, and
- 8 declaration of Hawaii geographic origin as shall be the minimum
- 9 requirements for fresh and processed agricultural commodities
- 10 destined for shipment by commercial exporters to points outside
- 11 the State; provided that the provisions of such grades,
- 12 standards, grade labels, [and] classifications, and declaration
- 13 of Hawaii origin shall not excuse failure to comply with the
- 14 provisions of the federal and state food, drug, and cosmetic
- 15 acts. The department in establishing such rules shall consult
- 16 with appropriate state and federal agencies and with any
- 17 appropriate industry or trade organization. The standards,
- 18 grades, grade labels, [and] classifications, and declaration of
- 19 Hawaii origin so established shall be on the basis of what the
- 20 department may deem best suited to the agricultural,
- 21 horticultural, or other interests of the State; provided that



- 1 the minimum requirements for the grades, standards, grade
- 2 labels, [and] classifications, and declaration of Hawaii
- 3 geographic origin so established for processed agricultural
- 4 commodities shall not be higher than that of any standardized
- 5 product which is sanitary and which has been demonstrated to be
- 6 a commercially-acceptable product of the class to which it
- 7 belongs and for which a market has been established; provided
- 8 further that different minimum requirements may be applied to
- 9 different styles of processed agricultural commodities; and
- 10 provided further that any processed pineapple product, in which
- 11 the fruit ingredient is at least ninety-five per cent pineapple
- 12 in compliance with the provisions of the federal and state food,
- 13 drug, and cosmetic acts, may be exported from the State."
- 14 SECTION 4. Statutory material to be repealed is bracketed
- 15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

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HB HMS 2015-1361

March

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Report Title:

Department of Agriculture; Rulemaking; Declaration of Hawaii Geographic Origin.

Description:

Authorizes the Department of Agriculture to adopt rules relating to the declaration of Hawaii origin for agricultural commodities.

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