
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature finds that supporting local
2 businesses and encouraging the production and use of local
3 agricultural products are a matter of statewide concern.

4 The legislature further finds that the department of
5 education, department of health, department of public safety,
6 department of defense, and University of Hawaii system are the
7 state entities that purchase some of the greatest amounts of
8 agricultural products. For example, according to the department
9 of public safety, it consistently spent more than \$10,000,000
10 annually from 2007 to 2011 to feed Hawaii's inmate population.
11 For the department of health, under section 11-174-3, Hawaii
12 Administrative Rules, the inclusive rate for routine and
13 ancillary services per patient of the Hawaii state hospital is
14 \$133 per day. Routine and ancillary services include food and
15 nutrition services, among other services and supplies.

16 The department of education operates the twelfth-largest
17 school system in the United States. Prior to the coronavirus



1 disease 2019 pandemic, the department of education served lunch
2 to 103,786 students daily and an additional 32,352 breakfasts
3 daily. During fiscal year 2017-2018, the department spent more
4 than \$45,640,000 on food for school meals. In 2020, even during
5 an abbreviated school year, the department spent about
6 \$30,000,000 on food.

7 The legislature notes that the department of defense
8 oversees the Hawaii national guard youth challenge academy and
9 serves breakfast, lunch, and dinner to its residential students.
10 The Hawaii national guard youth challenge academy is seventy-
11 five per cent funded by a federal National Guard Bureau grant,
12 with meal and food purchases for the year having a federal
13 budget cap of \$25 a day for each cadet participating in the
14 academy.

15 Therefore, the purpose of this Act is to require the
16 department of education, department of health, department of
17 public safety, department of defense, and University of Hawaii
18 system to ensure that a certain percentage of food that is
19 purchased is locally grown to ensure the continued growth of
20 local food, support local farmers and ranchers, and guarantee
21 that revenue derived from locally grown food remains in the



1 State. This Act is not meant to capture departmental or
2 University of Hawaii system staff travel expenses, office staff
3 procurement, any other staff meals separate from each
4 department's offered meal services or programs, or other staff
5 meals separate from the University of Hawaii system's offered
6 meal services or programs.

7 SECTION 2. Section 27-8, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[+]§27-8[+] **Contracts for produce food; percentage to**
10 **be grown within the State.** (a) ~~[Each principal department of~~
11 ~~the State, as established in section 26-4, that purchases~~
12 ~~produce]~~ The department of education, department of health,
13 department of public safety, department of defense, and
14 University of Hawaii system shall each ensure that a certain
15 percentage of the ~~[produce]~~ food purchased ~~[by that department]~~
16 for public schools, youth campuses, public hospitals, public
17 prisons, and any purchases made directly by the University of
18 Hawaii for use in its academic programs, as applicable, is fresh
19 local agricultural products and local value-added, processed,
20 agricultural, or food products, as follows:



1 (1) By January 1, 2025, fresh local agricultural products
2 and local value-added, processed, agricultural, or
3 food products shall constitute a minimum of ten per
4 cent of the total [~~produce~~] food purchased [~~by the~~
5 ~~department~~] during each calendar year, as measured by
6 the per cent of total food cost;

7 (2) By January 1, 2030, fresh local agricultural products
8 and local value-added, processed, agricultural, or
9 food products shall constitute a minimum of eighteen
10 per cent of the total [~~produce~~] food purchased [~~by the~~
11 ~~department~~] during each calendar year, as measured by
12 the per cent of total food cost;

13 (3) By January 1, 2035, fresh local agricultural products
14 and local value-added, processed, agricultural, or
15 food products shall constitute a minimum of twenty-six
16 per cent of the total [~~produce~~] food purchased [~~by the~~
17 ~~department~~] during each calendar year, as measured by
18 the per cent of total food cost;

19 (4) By January 1, 2040, fresh local agricultural products
20 and local value-added, processed, agricultural, or
21 food products shall constitute a minimum of



- 1 thirty-four per cent of the total [~~produce~~] food
2 purchased [~~by the department~~] during each calendar
3 year, as measured by the per cent of total food cost;
- 4 (5) By January 1, 2045, fresh local agricultural products
5 and local value-added, processed, agricultural, or
6 food products shall constitute a minimum of forty-two
7 per cent of the total [~~produce~~] food purchased [~~by the~~
8 ~~department~~] during each calendar year, as measured by
9 the per cent of total food cost; and
- 10 (6) By January 1, 2050, fresh local agricultural products
11 and local value-added, processed, agricultural, or
12 food products shall constitute a minimum of fifty per
13 cent of the total [~~produce~~] food purchased [~~by the~~
14 ~~department~~] during each calendar year, as measured by
15 the per cent of total food cost.
- 16 (b) [~~Each principal department of the State~~] The
17 department of education, department of health, department of
18 public safety, department of defense, and University of Hawaii
19 system shall each submit a report to the legislature no later
20 than twenty days prior to the convening of each regular session



1 on ~~[that department's]~~ progress made toward meeting the
2 benchmarks described in subsection (a), including:

3 (1) The ~~[amount of]~~ total ~~[produce]~~ cost of food purchased
4 ~~[by the department]~~ during the calendar year preceding
5 that regular session~~[, as measured by the per cent of~~
6 ~~the total food cost;]~~, or in the case of the
7 department of education, during the school year
8 preceding that regular session;

9 (2) The ~~[amount of]~~ percentage of the total cost of food
10 purchased during the calendar year preceding that
11 regular session, accounted for by the total cost of
12 fresh local agricultural products and local value-
13 added, processed, agricultural, or food products
14 purchased ~~[by the department during the calendar year~~
15 ~~preceding that regular session, as measured by the per~~
16 ~~cent of the total food cost;]~~, or in the case of the
17 department of education, during the school year
18 preceding that regular session; and

19 ~~[-(3)- The percentage of fresh local agricultural products~~
20 ~~and local value-added, processed, agricultural, or~~



~~food products purchased by the department during the
year preceding that regular session; and~~

~~(4)]~~ (3) If the department or University of Hawaii system
did not meet the relevant benchmark described in
subsection (a), an explanation of why the department
or University of Hawaii system did not meet that
benchmark.

(c) ~~[For the purposes of]~~ As used in this section:

"Fresh local agricultural products" means fruits,
vegetables, nuts, coffee, eggs, poultry~~[]~~ and poultry products,
livestock~~[]~~ and livestock products, milk and milk products,
aquacultural~~[]~~ and maricultural products, and horticultural
products, that are one hundred per cent grown, raised, and
harvested in Hawaii.

"Local value-added, processed, agricultural, or food
products" means a product for which at least fifty-one per cent
of ~~[the product's]~~ its primary agricultural product is grown,
raised, and harvested in Hawaii.

"Primary agricultural product" means the major agricultural
product in a processed or value-added agricultural or food
product.



1 [~~"Produce" means fruits, vegetables, staple starches, nuts,~~
2 ~~coffee, eggs, poultry and poultry products, livestock and~~
3 ~~livestock products, milk and milk products, aquacultural and~~
4 ~~maricultural products, and horticultural products.] "~~

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

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2022.



Report Title:

Procurement; Food Contracts; Specifications; DOE; DOH; PSD; DOD;
UH System

Description:

Requires the department of education, department of health, department of public safety, department of defense, and University of Hawaii system to ensure that a certain percentage of food purchased for public schools, youth campuses, public hospitals, public prisons, and University of Hawaii system academic programs consists of fresh, local agricultural products or local value-added, processed, agricultural, or food products. Requires each of those departments and the University of Hawaii system to annually report to the legislature on progress made toward meeting these benchmarks and clarifies the information to be reported. (CD1)

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