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# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1       SECTION 1. Act 176, Session Laws of Hawaii 2021, is  
2 amended by amending section 1 to read as follows:

3       "SECTION 1. The legislature finds that supporting local  
4 businesses and encouraging the production and use of local  
5 agricultural products [~~is~~] are a matter of statewide concern.

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



1       The department of education operates the twelfth-largest  
2 school system in the United States. Prior to the COVID-19  
3 pandemic, the department of education served lunch to 103,786  
4 students daily and an additional 32,352 breakfasts daily.  
5 During fiscal year 2017-2018, the department spent more than  
6 \$45,640,000 on food for school meals. In 2020, even during an  
7 abbreviated school year, the department spent about \$30,000,000  
8 on food.

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

16       ~~[The]~~ Therefore, the purpose of this Act is to require  
17 ~~[state departments]~~ the department of education, department of  
18 health, department of public safety, department of defense, and  
19 University of Hawaii system to ensure that a certain percentage  
20 of ~~[produce]~~ food that is purchased is locally grown to ensure  
21 the continued growth of local ~~[produce,]~~ food, support local



1 farmers and ranchers, and guarantee that revenue derived from  
2 ~~[the produce of contracts for]~~ locally grown ~~[produce]~~ food  
3 remains in the State. This Act is not meant to capture  
4 departmental or university staff travel expenses, office staff  
5 procurement, any other staff meals separate from each  
6 department's offered meal services or programs, or other staff  
7 meals separate from the university's offered meal services or  
8 programs."

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

11 **"[+]§27-8[+] Contracts for ~~[produce,]~~ food; percentage to**  
12 **be grown within the State. (a) ~~[Each principal department of~~**  
13 **~~the State, as established in section 26-4, that purchases~~**  
14 **~~produce]~~ The department of education, department of health,  
15 department of public safety, department of defense, and  
16 University of Hawaii system shall ensure that a certain  
17 percentage of the ~~[produce]~~ food purchased ~~[by that department]~~  
18 for public schools, youth campuses, public hospitals, public  
19 prisons, and University of Hawaii facilities is fresh local  
20 agricultural products and local value-added, processed,  
21 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



thirty-four per cent of the total [~~produce~~] food  
purchased [~~by the department~~] during each calendar  
year, as measured by the per cent of total food cost;

(5) By January 1, 2045, fresh local agricultural products  
and local value-added, processed, agricultural, or  
food products shall constitute a minimum of forty-two  
per cent of the total [~~produce~~] food purchased [~~by the~~  
~~department~~] during each calendar year, as measured by  
the per cent of total food cost; and

(6) By January 1, 2050, fresh local agricultural products  
and local value-added, processed, agricultural, or  
food products shall constitute a minimum of fifty per  
cent of the total [~~produce~~] food purchased [~~by the~~  
~~department~~] during each calendar year, as measured by  
the per cent of total food cost.

(b) [~~Each principal department of the State~~] The  
department of education, department of health, department of  
public safety, department of defense, and University of Hawaii  
system shall each submit a report to the legislature no later  
than twenty days prior to the convening of each regular session



1 on ~~[that department's]~~ progress toward meeting the benchmarks  
2 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]~~;

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

15 ~~[-(3)- The percentage of fresh local agricultural products~~  
16 ~~and local value-added, processed, agricultural, or~~  
17 ~~food products purchased by the department during the~~  
18 ~~year preceding that regular session; and~~

19 ~~-(4)-~~ (3) If the department or University of Hawaii did not  
20 meet the relevant benchmark described in subsection



1 (a), an explanation of why the department or  
2 University of Hawaii did not meet that benchmark.

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

4 "Fresh local agricultural products" means fruits,  
5 vegetables, nuts, coffee, eggs, poultry, and poultry products,  
6 livestock, and livestock products, milk and milk products,  
7 aquacultural, and maricultural products, and horticultural  
8 products, that are one hundred per cent grown, raised, and  
9 harvested in Hawaii.

10 "Local value-added, processed, agricultural, or food  
11 product" means a product for which at least fifty-one per cent  
12 of its primary agricultural product is grown, raised, and  
13 harvested in Hawaii.

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

17 [~~"Produce" means fruits, vegetables, staple starches, nuts,~~  
18 ~~coffee, eggs, poultry and poultry products, livestock and~~  
19 ~~livestock products, milk and milk products, aquacultural and~~  
20 ~~maricultural products, and horticultural products.] "~~



1       SECTION 3. 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 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6       SECTION 5. This Act shall take effect on July 1, 2112.

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**Report Title:**

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

**Description:**

Changes the law requiring all state departments to ensure that a certain percentage of food purchased consists of fresh, local agricultural products or local value-added, processed, agricultural, or food products to apply only to the DOE, DOH, PSD, DOD, and UH System. Requires each of those departments and the UH System to report to the legislature on its progress toward meeting these benchmarks and clarifies the information to be reported. Effective 7/1/2112. (HD2)

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

