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# A BILL FOR AN ACT

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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 Under section 11-174-3, Hawaii Administrative Rules, the  
12 inclusive rate for routine and ancillary services per patient of  
13 the Hawaii state hospital is \$133 per day. Routine and  
14 ancillary services include food and nutrition services, among  
15 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 department of defense oversees the Hawaii national  
8 guard youth challenge academy and serves breakfast, lunch, and  
9 dinner to its residential students. The Hawaii national guard  
10 youth challenge academy is seventy-five per cent funded by a  
11 federal National Guard Bureau grant, with meal and food  
12 purchases for the year having a federal budget cap of \$25 a day  
13 for each cadet participating in the academy.

14 Therefore, the purpose of this Act is to require the  
15 department of education, department of health, department of  
16 public safety, department of defense, and University of Hawaii  
17 system to ensure that a certain percentage of food that is  
18 purchased is locally grown to ensure the continued growth of  
19 local food, support local farmers and ranchers, and guarantee  
20 that revenue derived from locally grown food remains in the  
21 State. This Act is not meant to capture departmental or



1 university staff travel expenses, office staff procurement, any  
2 other staff meals separate from each department's offered meal  
3 services or programs, or other staff meals separate from the  
4 university's offered meal services or programs.

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

7 "[~~§~~27-8~~§~~] Contracts for [~~produce~~,] food; percentage to  
8 be grown within the State. (a) [~~Each principal department of~~

9 ~~the State, as established in section 26-4, that purchases~~

10 ~~produce]~~ The department of education, department of health,

11 department of public safety, department of defense, and

12 University of Hawaii system shall each ensure that a certain

13 percentage of the [~~produce~~] food purchased [~~by that department]~~

14 for public schools, youth campuses, public hospitals, public

15 prisons, and any purchases made directly by the University of

16 Hawaii for use in its academic programs, as applicable, is fresh

17 local agricultural products and local value-added, processed,

18 agricultural, or food products, as follows:

19 (1) By January 1, 2025, fresh local agricultural products

20 and local value-added, processed, agricultural, or

21 food products shall constitute a minimum of ten per



1 cent of the total [~~produce~~] food purchased [~~by the~~  
2 ~~department~~] during each calendar year, as measured by  
3 the per cent of total food cost;

4 (2) By January 1, 2030, fresh local agricultural products  
5 and local value-added, processed, agricultural, or  
6 food products shall constitute a minimum of eighteen  
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;

10 (3) By January 1, 2035, fresh local agricultural products  
11 and local value-added, processed, agricultural, or  
12 food products shall constitute a minimum of twenty-six  
13 per 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 (4) By January 1, 2040, fresh local agricultural products  
17 and local value-added, processed, agricultural, or  
18 food products shall constitute a minimum of  
19 thirty-four per cent of the total [~~produce~~] food  
20 purchased [~~by the department~~] during each calendar  
21 year, as measured by the per cent of total food cost;



1 (5) By January 1, 2045, fresh local agricultural products  
2 and local value-added, processed, agricultural, or  
3 food products shall constitute a minimum of forty-two  
4 per 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; and

7 (6) By January 1, 2050, fresh local agricultural products  
8 and local value-added, processed, agricultural, or  
9 food products shall constitute a minimum of fifty per  
10 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 (b) [~~Each principal department of the State~~] To the extent  
14 practicable, the department of education, department of health,  
15 department of public safety, department of defense, and  
16 University of Hawaii system shall prioritize contracts with  
17 vendors that use locally sourced food products.

18 (c) The department of education, department of health,  
19 department of public safety, department of defense, and  
20 University of Hawaii system shall each submit a report to the  
21 legislature no later than twenty days prior to the convening of



1 each regular session on ~~[that department's]~~ progress made toward  
2 meeting the 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.

~~[(e) For the purposes of]~~ (d) 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, 2112.





**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, excluding certain purchases made within the University of Hawaii System, consists of fresh, local agricultural products or local value-added, processed, agricultural, or food products to apply only to the Department of Education, Department of Health, Department of Public Safety, Department of Defense, and University of Hawaii System. Requires each of those departments to prioritize contracts with vendors that use locally sourced food products. Requires each of those departments and the University of Hawaii System to report to the Legislature on progress made toward meeting these benchmarks and clarifies the information to be reported. Effective 7/1/2112. (SD2)

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

