

JAN 21 2022

A BILL FOR AN ACT

RELATING TO IMPORTED AGRICULTURAL PRODUCTS.

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

1 SECTION 1. The legislature finds that local agricultural
2 products play an important role in Hawaii's communities by
3 establishing and maintaining connections between consumers and
4 local farms. Moreover, the consumption of locally-produced
5 agricultural products, when practicable, contributes
6 significantly towards the goal set forth by the Hawaii 2050
7 Sustainability Plan to "increase production and consumption of
8 local foods and products, particularly agricultural products."

9 The legislature further finds that there have been
10 instances in which vendors sell imported agricultural products
11 or agricultural products bought from wholesalers with incorrect
12 or misleading geographic labels. Further, vendors are not
13 required to disclose a product's geographic source of origin,
14 which can mislead unassuming consumers.

15 The purpose of this Act is to require that all agricultural
16 products sold to consumers be displayed with a sign or label
17 declaring the products' geographic origin.



SECTION 2. Chapter 486, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

"§486- Geographic origin of agricultural products. (a)

All agricultural products sold in a farmers' market, grocery store, or any other enterprise where produce is sold directly to consumers or through wholesale shall be displayed with a label or sign that contains an identity statement declaring the products' geographic origin. Each word or character in the identity statement shall be of the same type size and shall be contiguous. The identity statement shall be reasonably sized and conspicuously displayed near the product being sold.

(b) It shall be a violation of this chapter to:

(1) Misrepresent on a label, on a sign, in an identity statement, or in advertising of agricultural products in a farmers' market the geographic origin of the agricultural product; or

(2) Display, advertise, or sell agricultural products without a conspicuously displayed label or sign containing an identity statement pursuant to this section.



1 (c) Sellers shall maintain, for a period of at least two
2 years, records on the volume and geographic origin of products
3 sold and any other records required by the department for the
4 purpose of enforcing this section. Authorized employees of the
5 department shall have access to the records during normal
6 business hours.

7 (d) The department shall impose fines subject to the
8 following:

9 (1) For a first violation, a fine of \$500;

10 (2) For a second violation, a fine of \$750; and

11 (3) For any subsequent violation, a fine of \$1000.

12 For fines not paid by December 31 of the year in which the
13 violation was committed, the department may impose additional
14 penalties, including the suspension of the vendor's operations.

15 (e) The department shall adopt rules pursuant to chapter
16 91 for the evaluation of evidence or as required to enforce the
17 provisions of this section.

18 (f) For purposes of this section:

19 "Agricultural product" means any agricultural,
20 aquacultural, horticultural, silvicultural, or floricultural
21 product wherever produced and includes fresh fruits and



1 vegetables, raw unprocessed honey, meat, dairy, poultry, eggs,
2 and any other farm product that may be sold at a farmers'
3 market, grocery store, or other operation that sells products
4 directly to consumers or through wholesale.

5 "Farmers' market" means a market where farmers sell their
6 products directly to consumers and includes any market that
7 represents or advertises itself as a farmers' market.

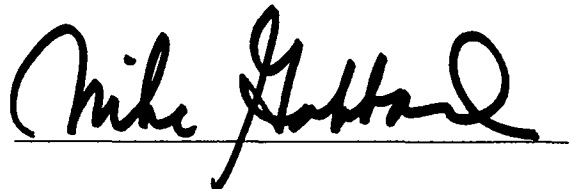
8 "Geographic origin" means the geographic region or regions
9 in which the agricultural product was grown, collected, or
10 raised and includes the country of origin, if the product was
11 produced outside the United States, or the state of origin, if
12 the product was produced in the United States."

13 SECTION 3. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 4. New statutory material is underscored.

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

18
INTRODUCED BY:



Report Title:

Department of Agriculture; Labeling; Agricultural Products;
Geographical Origin

Description:

Requires all agricultural products sold to consumers directly or through wholesale to be displayed with a label or sign containing an identity statement declaring the products' geographical origin. Imposes penalties on vendors who display products with incorrect or misleading labels regarding the products' geographic origin.

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