

JAN 26 2022

A BILL FOR AN ACT

RELATING TO RAW MILK.

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

1 SECTION 1. The legislature finds that many people would
2 like to consume raw, unpasteurized milk and raw milk products
3 based on the products' health benefits and taste. Some studies
4 have shown that raw milk helps reduce allergies, boost immunity,
5 hydrate skin, and address nutritional deficiencies. Raw milk
6 has a unique flavor that may be destroyed by the double
7 pasteurization process generally required for commercial milk
8 sales. It also contains bacteria that are essential flavor
9 components for some cheeses.

10 The legislature recognizes that raw milk can be produced
11 safely and that its sale is permitted in many states. At least
12 twelve states allow the sale of raw milk in retail stores. Two
13 states permit it to be sold at farmers markets, and at least
14 twelve states allow farmers to sell raw milk directly to
15 consumers. The legislature believes Hawaii's consumers also
16 deserve this freedom of choice and should be permitted to
17 purchase raw milk and raw milk products directly from farmers.



1 Accordingly, the purpose of this Act is to allow milk
2 producers to sell raw milk and raw milk products directly to
3 consumers, with certain conditions.

4 SECTION 2. Chapter 157, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§157- Raw milk and raw milk products; direct sales.

8 (a) Notwithstanding any provision to the contrary, a producer
9 may sell raw milk and raw milk products directly to consumers
10 for human consumption, subject to rules adopted by the board
11 pursuant to subsection (b); provided that the farm or facility
12 from which the raw milk or raw milk product originated shall own
13 or house no more than two milk-bearing cows.

14 (b) No later than July 1, 2023, the board shall adopt
15 rules pursuant to chapter 91 governing the direct sale to
16 consumers of raw milk and raw milk products for human
17 consumption. The rules shall:

18 (1) Include conditions similar to those found in the
19 administrative rules of other states that allow the
20 sale of raw milk and raw milk products;



(2) Establish standards to ensure that raw milk and raw milk products are not contaminated during production or sale; and

(3) Regulate any circumstances under which producers may share cows for the purposes of producing raw milk or raw milk products.

(c) Each container of raw milk or raw milk product intended for sale shall include on the container or packaging:

(1) A label reading "RAW MILK", "RAW MILK PRODUCT", or "CONTAINS RAW MILK PRODUCTS", as applicable; and

(2) A statement reading "Contains pathogens that may be unsafe to consume".

SECTION 3. Section 157-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"Raw milk" means milk that has not been pasteurized or otherwise treated with heat.

"Raw milk product" means any product produced from raw milk, including cheese, kefir, and yogurt."

SECTION 4. Section 157-21, Hawaii Revised Statutes, is amended to read as follows:



1 "**§157-21 Licensing.** ~~[It]~~ Except as provided in section
2 157- , it shall be unlawful for any producer,
3 producer-distributor, or distributor to produce, sell, process,
4 or distribute milk in a milk shed unless the person is duly
5 licensed as provided by this chapter. It shall be unlawful for
6 any such person to sell, buy, process, or distribute milk which
7 the person knows or has reason to believe has been produced or
8 handled in violation of this chapter."

9 SECTION 5. Section 157-41, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:


11 "(b) Any person who violates this chapter shall be guilty
12 of a misdemeanor and subject to a fine of not less than \$250 or
13 more than \$1,000 or imprisonment for not more than one year, or
14 both~~[-]~~; provided that the direct sale to consumers of raw milk
15 or raw milk products for human consumption pursuant to section
16 157- , and any rules adopted to implement section 157- ,
17 shall not constitute a violation of this chapter."

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:  _____



S.B. NO. 3348

Report Title:

BOA; Raw Milk; Raw Milk Products; Direct Sales; Milk Control Act

Description:

Authorizes and decriminalizes the sale of raw milk and raw milk products directly to consumers for human consumption, with certain restrictions. Requires the Board of Agriculture to adopt rules governing the direct sale of raw milk and raw milk products. Establishes labeling requirements.

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

