
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND
TOURISM TO CONDUCT A STUDY ON THE "MADE IN HAWAII" AND
"HAWAII MADE" BRANDS AND PREPARE A PLAN TO ENCOURAGE AND
ENFORCE THE USE OF THOSE BRANDS.

1 WHEREAS, the Legislature enacted Act 153, Session Laws of
2 Hawaii 1991 (Act 153), that updated the State's measurement
3 standards to align with national consensus standards for
4 uniformity in weights and measures; and
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6 WHEREAS, Act 153, in part, enacted a new provision on the
7 place-of-origin labeling of Hawaii-made products, which
8 prohibited the possession or sale of any merchandise labeled
9 "Made in Hawaii" that was not manufactured, assembled,
10 fabricated, or produced with the State and did not have at least
11 fifty-one percent of its wholesale value added by manufacture,
12 assembly, fabrication, or production within the State; and
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14 WHEREAS, the "Made in Hawaii" branding program, along with
15 a corresponding trademark, was created within the Department of
16 Agriculture to protect the integrity and value of authentic
17 Hawaii-branded products; regulate products that were made
18 elsewhere but deceptively contain "Made in Hawaii" labels; and
19 ensure that Hawaii's locally manufactured and agricultural
20 products can continue to be effectively marketed, identified,
21 and promoted across the world; and
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23 WHEREAS, as an integral part of the State's economic
24 development strategy, the Legislature passed Act 2, Special
25 Session Laws of Hawaii 2021 (Act 2), which, in part, created the
26 "Hawaii Made" program for manufactured products from a place-of-
27 origin within the State to be administered by the Department of
28 Business, Economic Development, and Tourism; and
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1 WHEREAS, concerns have been raised regarding an overlap of
2 jurisdictions between the "Hawaii Made" program and its
3 corresponding brand, which is administered by the Department of
4 Business, Economic Development, and Tourism, and the "Made in
5 Hawaii" program and its corresponding "Made in Hawaii with
6 Aloha" brand, which is administered by the Department of
7 Agriculture; and

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9 WHEREAS, though Act 2 required that the Department of
10 Business, Economic Development, and Tourism hold ownership of
11 the "Hawaii Made" trademark, the Department does not currently
12 have any statutory authority to enforce the trademark; and

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14 WHEREAS, additional clarification is needed to determine:

- 15
16 (1) The purpose and scope of the "Hawaii Made" program in
17 relation to the "Made in Hawaii" program; and
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19 (2) The proper enforcement procedures and responsibilities
20 relating to the "Hawaii Made" program; now, therefore,

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22 BE IT RESOLVED by the Senate of the Thirty-first
23 Legislature of the State of Hawaii, Regular Session of 2022, the
24 House of Representatives concurring, that the Department of
25 Business, Economic Development, and Tourism is requested to
26 conduct a study on the "Made in Hawaii" and "Hawaii Made"
27 brands; and

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29 BE IT FURTHER RESOLVED that the study is requested to:

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31 (1) Summarize and assess previous work relating to the
32 "Hawaii Made" and "Made in Hawaii" brands to identify
33 significant areas for improvement, increased
34 effectiveness, and flexibility of use;
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36 (2) Assess and compare the current and potential value of
37 using the "Hawaii Made" and "Made in Hawaii" brands to
38 determine which option provides the most benefits to
39 Hawaii manufacturers; and
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- 1 (3) Review best practices that could serve as a model to
2 promote and enforce viable "Hawaii Made" and "Made in
3 Hawaii" brands; and
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5 BE IT FURTHER RESOLVED that the Department of Business,
6 Economic Development, and Tourism is requested to prepare a plan
7 to encourage and enforce the use of the "Hawaii Made" and "Made
8 in Hawaii" brands; and
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10 BE IT FURTHER RESOLVED that in preparing the plan the
11 Department of Business, Economic Development, and Tourism is
12 requested to:
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- 14 (1) Develop a "Hawaii Made" brand and mark that:
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16 (A) Incorporates cultural values;
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18 (B) Is sensitive to the concerns of the broader
19 community of stakeholders; and
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21 (C) Is marketable, locally, nationally, and
22 internationally;
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- 24 (2) Determine proper and effective enforcement procedures
25 and responsibilities, including inspections,
26 investigative and subpoena powers, citations, fines,
27 and injunctive relief, for the "Hawaii Made" brand;
28 and
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- 30 (3) Determine incentives, such as tax credits, grants, and
31 promotional support, that would compel Hawaii
32 companies to become certified as companies that
33 produce "Hawaii Made", or "Made in Hawaii" branded
34 products, or both; and
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36 BE IT FURTHER RESOLVED that the Department of Business,
37 Economic Development, and Tourism is requested to submit a
38 report of its findings and recommendations, including any
39 proposed legislation, to the Legislature no later than twenty
40 days prior to the convening of the regular session of 2023; and
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1 BE IT FURTHER RESOLVED that a certified copy of this
2 Concurrent Resolution be transmitted to the Director of
3 Business, Economic Development, and Tourism.
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