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# A BILL FOR AN ACT

RELATING TO RAW MILK.

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

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PART I

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SECTION 1. The legislature finds that many people would

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like to consume raw, unpasteurized milk and raw milk products

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based on the products' health benefits and taste. Some studies

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have shown that raw milk helps reduce allergies, boost immunity,

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hydrate skin, and address nutritional deficiencies. Raw milk

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has a unique flavor that may be destroyed by the double

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pasteurization process generally required for commercial milk

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sales. It also contains bacteria that are essential flavor

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components for some cheeses.

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The legislature recognizes that raw milk can be produced

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safely and that its sale is permitted in many states. At least

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twelve states allow the sale of raw milk in retail stores. Two

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states permit it to be sold at farmers markets, and at least

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twelve states allow farmers to sell raw milk directly to

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consumers. The legislature believes Hawaii's consumers also



1 deserve this freedom of choice and should be permitted to  
2 purchase raw milk and raw milk products directly from farmers.

3 Accordingly, the purpose of this part is to allow milk  
4 producers to sell raw milk and raw milk products directly to  
5 consumers, with certain conditions.

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

9 "§157- Raw milk and raw milk products; direct sales.

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

16 (b) No later than July 1, 2024, the board shall adopt  
17 rules pursuant to chapter 91 governing the direct sale to  
18 consumers of raw milk and raw milk products for human  
19 consumption. The rules shall:



- 1        (1) Include conditions similar to those found in the  
2        administrative rules of other states that allow the  
3        sale of raw milk and raw milk products;
- 4        (2) Establish standards to ensure that raw milk and raw  
5        milk products are not contaminated during production  
6        or sale; and
- 7        (3) Regulate any circumstances under which producers may  
8        share cows for the purposes of producing raw milk or  
9        raw milk products.
- 10       (c) Each container of raw milk or raw milk product  
11 intended for sale shall include on the container or packaging:
- 12       (1) A label reading "RAW MILK", "RAW MILK PRODUCT", or  
13       "CONTAINS RAW MILK PRODUCTS", as applicable; and
- 14       (2) A statement reading "Contains pathogens that may be  
15       unsafe to consume".
- 16       SECTION 3. Section 157-1, Hawaii Revised Statutes, is  
17 amended by adding two new definitions to be appropriately  
18 inserted and to read as follows:
- 19       "Raw milk" means milk that has not been pasteurized or  
20 otherwise treated with heat.



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

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

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

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

15        "(b) Any person who violates this chapter shall be guilty  
16 of a misdemeanor and subject to a fine of [~~not~~] no less than  
17 \$250 or more than \$1,000 or imprisonment for [~~not~~] no more than  
18 one year, or both[~~-~~]; provided that the direct sale to consumers  
19 of raw milk or raw milk products for human consumption pursuant  
20 to section 157- , and any rules adopted to implement section  
21 157- , shall not constitute a violation of this chapter."



1 PART II

2 SECTION 6. Chapter 321, Hawaii Revised Statutes, is  
3 amended by adding a new section to be appropriately designated  
4 and to read as follows:

5 "§321- Raw goat milk; sales. (a) Notwithstanding any  
6 provision to the contrary, raw goat milk may be sold for pet  
7 consumption.

8 (b) No later than July 1, 2024, the department of health  
9 shall adopt rules pursuant to chapter 91 governing the sale of  
10 raw goat milk for pet consumption. The rules shall:

11 (1) Include conditions similar to those found in the  
12 administrative rules of other states that allow the  
13 sale of raw goat milk;

14 (2) Establish standards to ensure that raw goat milk is  
15 not contaminated during production or sale; and

16 (3) Regulate any circumstances under which producers may  
17 share goats for the purposes of producing raw goat  
18 milk.

19 (c) Each container of raw goat milk intended for sale for  
20 pet consumption shall include on the container or packaging:

21 (1) A label reading "RAW GOAT MILK"; and



1       (2) A statement reading "Contains pathogens that may be  
2           unsafe for human consumption".

3       (d) For the purposes of this section:  
4       "Goat milk" means the lacteal secretion, practically free  
5 from colostrum, obtained by the complete milking of healthy  
6 goats.

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

9                                   PART III

10       SECTION 7. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12       SECTION 8. This Act shall take effect June 30, 3000.

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**Report Title:**

BOA; DOH; Raw Milk; Raw Milk Products; Raw Goat Milk; Sales

**Description:**

Authorizes and decriminalizes the sale of raw milk and raw milk products directly from producers to consumers, for human consumption, with certain restrictions. Authorizes the sale of raw goat milk for pet consumption. Establishes labeling requirements. Requires the board of agriculture and department of health to adopt rules no later than 7/1/2024. Effective 6/30/3000. (HD1)

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

