



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

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

7                   **"PART . RAW MILK AND RAW MILK PRODUCTS**

8           **§157-A Raw Milk Definitions.** For the purposes of this  
9 part:

10           "Distribute" means to transfer an item or offer to transfer  
11 an item to another person, either free of charge or by sale or  
12 exchange.

13           "Milk-bearing animal" means a cow, goat, or sheep that is  
14 actively producing milk.

15           "Raw milk" means milk that is not pasteurized, graded, or  
16 otherwise treated with heat.

17           "Raw milk dairy" means an operation owned or operated by a  
18 raw milk producer, in which no more than ten milk-bearing  
19 animals are maintained to actively produce milk at any one time.



1 "Raw milk dairy product" means a product, other than a milk  
2 product, manufactured using milk or a milk product as the  
3 primary ingredient, and that includes any quantity of raw milk.

4 "Raw milk producer" means a milk producer that owns or  
5 operates a raw milk dairy.

6 "Raw milk product" means a product manufactured using milk  
7 as its exclusive ingredient and that includes any quantity of  
8 raw milk.

9 **§157-B Raw milk; direct sales permitted. (a)**

10 Notwithstanding any law to the contrary, beginning July 1, 2025,  
11 a raw milk producer may sell raw milk and raw milk products  
12 directly to consumers for human consumption, subject to  
13 compliance with this part and rules adopted by the board  
14 pursuant to subsection (b); provided that:

15 (1) The raw milk dairy from which the raw milk or raw milk  
16 product originated shall own or house no more than ten  
17 milk-bearing animals;

18 (2) The raw milk shall be produced exclusively from  
19 milk-bearing animals maintained at the raw milk dairy;

20 (3) The raw milk shall be produced at the raw milk dairy  
21 in a manner that protects the health and safety of



1 persons consuming the raw milk, pursuant to rules  
2 adopted by the board;

3 (4) Every twelve months, a licensed veterinarian shall  
4 examine each milk-bearing animal maintained at the raw  
5 milk producer's raw milk dairy to determine the  
6 milk-bearing animal's health status. The examination  
7 shall include a blood test to detect the presence of  
8 any common diseases afflicting milk-bearing animals;

9 (5) Each month, the raw milk producer shall test each  
10 milk-bearing animal maintained at the raw milk  
11 producer's raw milk dairy to determine the milk-  
12 bearing animal's coliform count and standard plate  
13 count; provided that the raw milk producer shall post  
14 at the raw milk dairy's distribution point for the raw  
15 milk the summary of the test;

16 (6) No raw milk producer shall:  
17 (A) Process, market, or distribute raw milk if the  
18 raw milk exceeds the acceptable bacteria count;  
19 or

20 (B) Manufacture, market, or distribute a raw milk  
21 product or raw milk dairy product if raw milk



1                   used as an ingredient exceeds the acceptable  
2                   bacteria count limit.

3                   Notwithstanding rules adopted by the board, the  
4                   acceptable bacteria count limit shall be ten  
5                   colony-forming units per milliliter (10 cfu/mL) for a  
6                   bacteria coliform count or twenty-five thousand  
7                   colony-forming units per milliliter (25,000 cfu/mL)  
8                   for a standard plate count;

9                   (7) The raw milk producer shall retain, for a period of  
10                   three years, a record of each test conducted at the  
11                   raw milk dairy; and

12                   (8) If a milk-bearing animal maintained at a raw milk  
13                   dairy is administered an antibiotic drug, the raw milk  
14                   producer shall comply with the following health  
15                   protocols and any other rules adopted by the board:

16                   (A) The antibiotic drug shall be:

17                   (i) Approved by the United States Food and Drug  
18                   Administration for its intended use;

19                   (ii) Stored in a closed, labeled container as  
20                   provided by the manufacturer of the



1 antibiotic drug before being administered;

2 and

3 (iii) Administered as directed by the manufacturer  
4 of the antibiotic drug;

5 (B) No raw milk produced from the milk-bearing animal  
6 before the expiration of the production waiting  
7 period prescribed by the manufacturer of the  
8 antibiotic drug shall be:

9 (i) Processed, marketed, or distributed for  
10 human consumption; and

11 (ii) Manufactured, marketed, or distributed a raw  
12 milk product or raw milk dairy product that  
13 uses the raw milk as an ingredient;

14 (C) The manufacturer of the antibiotic drug may  
15 provide directions on the label of the container  
16 storing the antibiotic drug or other source of  
17 information controlled by the manufacturer  
18 regarding the use of the antibiotic drug; and

19 (D) The raw milk producer shall retain records  
20 identifying the type and dosage of each  
21 antibiotic drug administered to a milk-bearing



1 animal maintained at the raw milk dairy, each  
2 milk-bearing animal that is administered the  
3 antibiotic drug, and the date and location of the  
4 antibiotic drug administration. The raw milk  
5 producer shall retain the records for a period of  
6 three years.

7 (b) No later than July 1, 2025, the board shall, in  
8 compliance with this part, adopt rules pursuant to chapter 91  
9 governing the direct sale to consumers of raw milk and raw milk  
10 products for human consumption. The rules shall:

11 (1) Establish standards for sanitation, testing, storage,  
12 handling, and transportation to ensure that raw milk  
13 and raw milk products are not contaminated during  
14 production or sale; and

15 (2) Regulate any circumstances under which producers may  
16 share animals for the purpose of producing raw milk or  
17 raw milk products.

18 **§157-C Processing and manufacturing of raw milk.** (a) In  
19 accordance with any rules adopted by the board pursuant to  
20 section 157-B, raw milk produced at a raw milk dairy shall be  
21 processed and manufactured at the raw milk dairy in a manner



1 that protects the health and safety of persons consuming the  
2 processed raw milk, raw milk product, or raw milk dairy product.

3 (b) No raw milk shall be pasteurized or graded.

4 (c) The raw milk shall be distributed no later than seven  
5 calendar days after it was produced by a milk-bearing animal.

6 (d) The raw milk, raw milk product, raw milk dairy  
7 product, or any other item using raw milk as an ingredient shall  
8 be kept for storage prior to distribution at a temperature not  
9 to exceed forty-five degrees fahrenheit.

10 **§157-D Distribution of raw milk or associated products.**

11 (a) Each raw milk producer shall only receive an order for the  
12 distribution of raw milk, a raw milk product, or a raw milk  
13 dairy product, at the raw milk producer's raw milk dairy in  
14 which the raw milk, raw milk product, or raw milk dairy product  
15 is produced or manufactured. The raw milk producer shall only  
16 distribute the raw milk, raw milk product, or raw milk dairy  
17 product to the individual placing the order. The raw milk  
18 producer may distribute the raw milk, raw milk product, or raw  
19 milk dairy product to the raw milk recipient without charge or  
20 on a retail basis.



1 (b) The recipient of the raw milk, raw milk product, or  
2 raw milk dairy product may examine any applicable records  
3 required to be retained by the raw milk producer as provided in  
4 section 157-B, including any of the following:

- 5 (1) The coliform count and standard plate count of  
6 milk-bearing animals maintained at the raw milk dairy  
7 owned or operated by the raw milk producer; and
- 8 (2) The administration of antibiotic drugs to milk-bearing  
9 animals maintained at the raw milk dairy owned or  
10 operated by the raw milk producer.

11 (c) If the raw milk producer distributes the raw milk, raw  
12 milk product, or raw milk dairy product in a container, the  
13 container shall be labeled as provided in section 157-E.

14 (d) The raw milk producer shall directly distribute the  
15 raw milk, raw milk product, or raw milk dairy product to the  
16 recipient at the raw milk dairy or to a location specified by  
17 the recipient; provided that no raw milk, raw milk product, or  
18 raw milk dairy product shall be delivered to a place of business  
19 where food or food items are distributed on a retail basis. The  
20 raw milk, raw milk product, or raw milk dairy product shall only  
21 be used for consumption by the recipient, members of the



1 recipient's household, or the recipient's non-paying guests or  
2 non-paying employees.

3 (e) No person shall resell raw milk, raw milk products, or  
4 raw milk dairy products.

5 **§157-E Labeling containers holding raw milk or associated**

6 **products.** (a) Each raw milk producer who distributes raw milk,  
7 a manufactured raw milk product, or a raw milk dairy product  
8 shall label the container holding the raw milk, manufactured raw  
9 milk product, or raw milk dairy product. The label shall be  
10 permanently affixed to the container. The words on the label  
11 shall be printed in at least twelve-point boldface type. If the  
12 container includes a main informational or advertising panel,  
13 the label shall be part of the panel.

14 (b) For a container holding raw milk, the label shall  
15 state the following:

16 "RAW MILK

17 NOTICE TO CONSUMERS

18 THIS CONTAINER HOLDS RAW MILK THAT IS NOT SUBJECT TO STATE  
19 INSPECTION OR OTHER PUBLIC HEALTH REGULATIONS THAT REQUIRE  
20 PASTEURIZATION AND GRADING. RAW MILK MAY CONTAIN HARMFUL

21 BACTERIA THAT ARE UNSAFE TO CONSUME".



1 (c) For a container holding a raw milk product or raw milk  
2 dairy product, the label shall state the following:

3 "RAW MILK PRODUCT or CONTAINS RAW MILK PRODUCTS

4 NOTICE TO CONSUMERS

5 THIS CONTAINER HOLDS A RAW MILK PRODUCT OR RAW MILK DAIRY  
6 PRODUCT THAT IS NOT SUBJECT TO STATE INSPECTION OR OTHER PUBLIC  
7 HEALTH REGULATIONS THAT REQUIRE PASTEURIZATION AND GRADING.

8 THIS PRODUCT MAY CONTAIN BACTERIA THAT ARE UNSAFE TO CONSUME".

9 **§157-F Enforcement actions.** Upon request, a raw milk  
10 producer shall provide the department of health with all records  
11 required to be kept by the raw milk producer as provided in  
12 section 157-B, including records relating to:

13 (1) The coliform count and standard plate count of  
14 milk-bearing animals maintained by the raw milk  
15 producer at a raw milk dairy; and

16 (2) The administration of antibiotic drugs to dairy  
17 animals maintained by the raw milk producer at a raw  
18 milk dairy;

19 provided that the request shall be based on an affidavit signed  
20 by a licensed physician certifying that in the physician's  
21 opinion, an individual contracted an illness as a direct result



1 of consuming raw milk produced at a raw milk dairy, or consuming  
2 a raw milk product or a raw milk dairy product manufactured at a  
3 raw milk dairy."

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

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

14 SECTION 4. Section 157-41, Hawaii Revised Statutes, is  
15 amended by amending subsection (b) to read as follows:

16 "(b) Any person who violates this chapter shall be guilty  
17 of a misdemeanor and subject to a fine of not less than \$250 or  
18 more than \$1,000 or imprisonment for not more than one year, or  
19 both[-]; provided that the direct sale to consumers of raw milk,  
20 raw milk products, or raw milk dairy products for human  
21 consumption pursuant to part , and any rules adopted to



1 implement part , shall not constitute a violation of this  
2 chapter."

3 PART II

4 SECTION 5. Chapter 321, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7 "§321- Raw goat milk; direct sales permitted. (a)  
8 Notwithstanding any provision to the contrary, beginning July 1,  
9 2025, raw goat milk may be sold for pet consumption, subject to  
10 rules adopted pursuant to subsection (b).

11 (b) No later than July 1, 2025, the department of health  
12 shall adopt rules pursuant to chapter 91, to govern the sale of  
13 raw goat milk for pet consumption. The rules shall:

14 (1) Include conditions similar to those found in the  
15 administrative rules of other states that allow the  
16 sale of raw goat milk;

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

19 (3) Regulate any circumstances under which producers may  
20 share goats for the purposes of producing raw goat  
21 milk.





1 SECTION 8. This Act shall take effect upon its approval.

2

INTRODUCED BY:

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JAN 19 2024



# H.B. NO. 1989

**Report Title:**

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

**Description:**

Authorizes and decriminalizes the sale of raw milk, raw milk products, and raw milk dairy products directly from producers to consumers, for human consumption, subject to 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 7/1/2025.

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