
A BILL FOR AN ACT

RELATING TO RAW MILK.

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

1 PART I

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

11 The legislature further finds that raw milk can be produced
12 safely and that its sale is permitted in many other states.
13 Hawaii is in the small minority of four states that still do not
14 allow any form of raw milk distribution. The legislature
15 believes Hawaii's consumers and pets also deserve this freedom
16 of choice and should be permitted to purchase raw milk and raw
17 milk products directly from producers.



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 Definitions.** For the purposes of this part:

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

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

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

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

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



1 "Raw milk producer" means a milk producer that owns or
2 operates a raw milk dairy.

3 "Raw milk product" means a product manufactured using milk
4 as its exclusive ingredient and that includes any quantity of
5 raw milk.

6 **§157-B Raw milk; direct distribution permitted.** (a)

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

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

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

17 (3) The raw milk shall be produced at the raw milk dairy
18 in a manner that protects the health and safety of
19 persons consuming the raw milk, pursuant to rules
20 adopted by the board;



- 1 (4) Every twelve months, a licensed veterinarian shall
2 examine each milk-bearing animal maintained at the raw
3 milk producer's raw milk dairy to determine the milk-
4 bearing animal's health status. The examination shall
5 include a blood test to detect the presence of any
6 common diseases afflicting milk-bearing animals;
- 7 (5) Each month, the raw milk producer shall test each
8 milk-bearing animal maintained at the raw milk
9 producer's raw milk dairy to determine the milk-
10 bearing animal's coliform count and standard plate
11 count; provided that the raw milk producer shall post
12 the summary of the test at the raw milk dairy's
13 distribution point for the raw milk;
- 14 (6) No raw milk producer shall:
- 15 (A) Process, market, or distribute raw milk if the
16 raw milk exceeds the acceptable bacteria count;
17 or
18 (B) Manufacture, market, or distribute a raw milk
19 product or raw milk dairy product if raw milk
20 used as an ingredient exceeds the acceptable
21 bacteria count limit.



- 1 Notwithstanding rules adopted by the board, the
2 acceptable bacteria count limit shall be ten
3 colony-forming units per milliliter (10 cfu/mL) for a
4 bacteria coliform count or twenty-five thousand
5 colony-forming units per milliliter (25,000 cfu/mL)
6 for a standard plate count;
- 7 (7) The raw milk producer shall retain, for a period of
8 three years, a record of each test conducted at the
9 raw milk dairy; and
- 10 (8) If a milk-bearing animal maintained at a raw milk
11 dairy is administered an antibiotic drug, the raw milk
12 producer shall comply with the following health
13 protocols and any other rules adopted by the board:
- 14 (A) The antibiotic drug shall be:
- 15 (i) Approved by the United States Food and Drug
16 Administration for its intended use;
- 17 (ii) Stored in a closed, labeled container as
18 provided by the manufacturer of the
19 antibiotic drug before being administered;
20 and



- 1 (iii) Administered as directed by the manufacturer
- 2 of the antibiotic drug;
- 3 (B) No raw milk produced from the milk-bearing animal
- 4 before the expiration of the production waiting
- 5 period prescribed by the manufacturer of the
- 6 antibiotic drug shall be:
- 7 (i) Processed, marketed, or distributed for
- 8 human consumption; and
- 9 (ii) Manufactured, marketed, or distributed as a
- 10 raw milk product or raw milk dairy product
- 11 that uses the raw milk as an ingredient;
- 12 (C) The manufacturer of the antibiotic drug may
- 13 provide directions on the label of the container
- 14 storing the antibiotic drug or other source of
- 15 information controlled by the manufacturer
- 16 regarding the use of the antibiotic drug; and
- 17 (D) The raw milk producer shall retain records
- 18 identifying the type and dosage of each
- 19 antibiotic drug administered to a milk-bearing
- 20 animal maintained at the raw milk dairy, each
- 21 milk-bearing animal that is administered the



1 antibiotic drug, and the date and location of the
2 antibiotic drug administration. The raw milk
3 producer shall retain the records for a period of
4 three years.

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

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

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

16 **§157-C Processing and manufacturing of raw milk.** (a) In
17 accordance with any rules adopted by the board pursuant to
18 section 157-B, raw milk produced at a raw milk dairy shall be
19 processed and manufactured at the raw milk dairy in a manner
20 that protects the health and safety of persons consuming the
21 processed raw milk, raw milk product, or raw milk dairy product.



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

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

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

8 **§157-D Distribution of raw milk or associated products.**

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

19 (b) The recipient of the raw milk, raw milk product, or
20 raw milk dairy product may examine any applicable records



1 required to be retained by the raw milk producer as provided in
2 section 157-B, including any of the following:

3 (1) The coliform count and standard plate count of
4 milk-bearing animals maintained at the raw milk dairy
5 owned or operated by the raw milk producer; and

6 (2) The administration of antibiotic drugs to milk-bearing
7 animals maintained at the raw milk dairy owned or
8 operated by the raw milk producer.

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

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



1 (e) No person shall redistribute raw milk, raw milk
2 products, or raw milk dairy products.

3 **§157-E Labeling containers holding raw milk or associated**
4 **products.** (a) Each raw milk producer who distributes raw milk,
5 a raw milk product, or a raw milk dairy product shall label the
6 container holding the raw milk, raw milk product, or raw milk
7 dairy product. The label shall be permanently affixed to the
8 container. The words on the label shall be printed in at least
9 twelve-point boldface type. If the container includes a main
10 informational or advertising panel, the label shall be part of
11 the panel.

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

14 "RAW MILK

15 NOTICE TO CONSUMERS

16 THIS CONTAINER HOLDS RAW MILK THAT IS NOT SUBJECT TO STATE
17 INSPECTION OR OTHER PUBLIC HEALTH REGULATIONS THAT REQUIRE
18 PASTEURIZATION AND GRADING. RAW MILK MAY CONTAIN HARMFUL
19 BACTERIA THAT ARE UNSAFE TO CONSUME."

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



1 "RAW MILK PRODUCT or CONTAINS RAW MILK PRODUCTS
2 NOTICE TO CONSUMERS
3 THIS CONTAINER HOLDS A RAW MILK PRODUCT OR RAW MILK DAIRY
4 PRODUCT THAT IS NOT SUBJECT TO STATE INSPECTION OR OTHER PUBLIC
5 HEALTH REGULATIONS THAT REQUIRE PASTEURIZATION AND GRADING.
6 THIS PRODUCT MAY CONTAIN BACTERIA THAT ARE UNSAFE TO CONSUME.".

7 **§157-F Enforcement actions.** Upon request, a raw milk
8 producer shall provide the department of health with all records
9 required to be kept by the raw milk producer as provided in
10 section 157-B, including records relating to:

- 11 (1) The coliform count and standard plate count of
12 milk-bearing animals maintained by the raw milk
13 producer at a raw milk dairy; and
14 (2) The administration of antibiotic drugs to milk-bearing
15 animals maintained by the raw milk producer at a raw
16 milk dairy;

17 provided that the request shall be based on an affidavit signed
18 by a licensed physician certifying that in the physician's
19 opinion, an individual contracted an illness as a direct result
20 of consuming raw milk produced at a raw milk dairy, or consuming



1 a raw milk product or a raw milk dairy product manufactured at a
2 raw milk dairy."

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

5 "**§157-21 Licensing.** [~~It~~] Except as provided in chapter
6 157, part _____, it shall be unlawful for any producer, producer-
7 distributor, or distributor to produce, sell, process, or
8 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 4. 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 less than \$250 or
17 more than \$1,000 or imprisonment for not more than one year, or
18 both[-]; provided that the direct distribution, as defined in
19 section 157-A, to consumers of raw milk, raw milk products, or
20 raw milk dairy products for human consumption pursuant to



1 part , and any rules adopted to implement part , shall not
2 constitute a violation of this 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 9. This Act shall take effect on July 1, 3000.



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. Effective 7/1/3000. (HD1)

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

