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# A BILL FOR AN ACT

RELATING TO THE LABELING OF PRODUCTS.

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

1           SECTION 1. Section 201-3.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~{}~~\$201-3.5~~{}~~ "Hawaii Made" program [~~for manufactured~~  
4 ~~products oversight~~]; "Hawaii Made" trademark. (a) The  
5 department of business, economic development, and tourism shall  
6 administer and oversee a "Hawaii Made" program for manufactured  
7 products and shall hold ownership of the "Hawaii Made"  
8 trademark.

9           (b) For purposes of this section, the department of  
10 business, economic development, and tourism shall:

- 11           (1) Promote consumer demand for "Hawaii Made" products;  
12           (2) Coordinate manufacturing of "Hawaii Made" products;  
13           (3) Coordinate and promote distribution channels for  
14           "Hawaii Made" products;  
15           (4) Ensure that appropriate patents and copyrights are  
16           acquired for "Hawaii Made" products; and



- 1 (5) Identify new funding opportunities to promote the  
2 expansion of "Hawaii Made" products.
- 3 (c) No person shall:
- 4 (1) Keep, offer, display or expose for sale, or solicit  
5 for the sale of any item, product, souvenir, or other  
6 merchandise that:
- 7 (A) Is labeled "Hawaii Made"; [~~or~~]
- 8 (B) Is labeled "made in Hawaii"; or
- 9 [~~(B)~~] (C) By any other means, represents the origin of  
10 the item as being from any place within the  
11 State; or
- 12 (2) Use the phrase "Hawaii Made" or "made in Hawaii" as an  
13 advertising or media tool,  
14 for any item that has not been manufactured, assembled,  
15 fabricated, or produced within the State and that has not had at  
16 least fifty-one per cent of its wholesale value added by  
17 manufacture, assembly, fabrication, or production within the  
18 State, including Hawaii-sourced goods, services, and  
19 intellectual property[-]; provided that any calculation to  
20 determine whether a non-perishable good has had at least fifty-  
21 one per cent of its wholesale value added by production within



1 the State shall include operating and overhead expenses incurred  
2 and spent within the State.

3 (d) Subsection (c) notwithstanding, no person shall keep,  
4 offer, display, expose for sale, or solicit the sale of any  
5 perishable consumer commodity that is labeled "made in Hawaii",  
6 "produced in Hawaii", or "processed in Hawaii" or that by any  
7 other means represents the origin of the perishable consumer  
8 commodity as being from any place within the State, or use the  
9 phrase "made in Hawaii", "produced in Hawaii", or "processed in  
10 Hawaii" as an advertising or media tool for any perishable  
11 consumer commodity, unless the perishable consumer commodity is  
12 wholly or partially manufactured, processed, or produced within  
13 the State from raw materials that originate from inside or  
14 outside the State and at least fifty-one per cent of the  
15 wholesale value of the perishable consumer commodity is added by  
16 manufacture, processing, or production within the State.

17 (e) The attorney general may bring an action against any  
18 person or entity who violates subsection (c) or (d).

19 (f) For the purposes of this section, "perishable consumer  
20 commodity" means any article, product, good, or agricultural  
21 commodity of any kind that is customarily produced or



1 distributed for sale through mercantile or retail sales outlets;  
2 is intended for consumption as food or use by individuals for  
3 the purposes of personal care or in the performance of services  
4 ordinarily rendered in or about the household or in connection  
5 with personal possessions; and is intended to have a limited  
6 shelf life. "Perishable consumer commodity" includes but is not  
7 limited to baked goods, dairy products, cut or dried flowers,  
8 coffee, candy, cookies, jam, jelly, juices, oils, nuts, or  
9 similar products."

10 SECTION 2. Section 486-1, Hawaii Revised Statutes, is  
11 amended by deleting the definition of "craft item".

12 [~~"Craft item" means any consumer commodity that is not an~~  
13 ~~agricultural commodity or a perishable consumer commodity that~~  
14 ~~is manufactured, assembled, fabricated, or produced by an~~  
15 ~~individual working alone or a small group of individuals working~~  
16 ~~collaboratively and that is produced by hand or by using simple~~  
17 ~~tools. Craft item does not include a consumer commodity that is~~  
18 ~~mass-produced or an item that is merely assembled from two or~~  
19 ~~more mass-produced consumer commodities."]~~

20 SECTION 3. Section 486-119, Hawaii Revised Statutes, is  
21 repealed.



1           ~~["§486-119 Hawaii-made products; Hawaii-processed~~  
2 ~~products. (a) No person shall keep, offer, display or expose~~  
3 ~~for sale, or solicit for the sale of any item, product,~~  
4 ~~souvenir, or any other merchandise that is labeled "made in~~  
5 ~~Hawaii" or that by any other means misrepresents the origin of~~  
6 ~~the item as being from any place within the State, or uses the~~  
7 ~~phrase "made in Hawaii" as an advertising or media tool for any~~  
8 ~~craft item that has not been manufactured, assembled,~~  
9 ~~fabricated, or produced within the State and that has not had at~~  
10 ~~least fifty-one per cent of its wholesale value added by~~  
11 ~~manufacture, assembly, fabrication, or production within the~~  
12 ~~State.~~

13           ~~(b) Subsection (a) notwithstanding, no person shall keep,~~  
14 ~~offer, display, expose for sale, or solicit the sale of any~~  
15 ~~perishable consumer commodity that is labeled "made in Hawaii",~~  
16 ~~"produced in Hawaii", or "processed in Hawaii" or that by any~~  
17 ~~other means represents the origin of the perishable consumer~~  
18 ~~commodity as being from any place within the State, or use the~~  
19 ~~phrase "made in Hawaii", "produced in Hawaii", or "processed in~~  
20 ~~Hawaii" as an advertising or media tool for any perishable~~  
21 ~~consumer commodity, unless the perishable consumer commodity is~~



1 ~~wholly or partially manufactured, processed, or produced within~~  
2 ~~the State from raw materials that originate from inside or~~  
3 ~~outside the State and at least fifty-one per cent of the~~  
4 ~~wholesale value of the perishable consumer commodity is added by~~  
5 ~~manufacture, processing, or production within the State." ]~~

6 SECTION 4. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so  
8 much thereof as may be necessary for fiscal year 2024-2025 for  
9 the promotion and development of the "Hawaii Made" brand.

10 The sum appropriated shall be expended by the department of  
11 business, economic development, and tourism for the purposes of  
12 this Act.

13 SECTION 5. In accordance with section 9 of article VII of  
14 the Hawaii State Constitution and sections 37-91 and 37-93,  
15 Hawaii Revised Statutes, the legislature has determined that the  
16 appropriations contained in H.B. No. , will cause the state  
17 general fund expenditure ceiling for fiscal year 2024-2025 to be  
18 exceeded by \$ or per cent. In addition, the  
19 appropriation contained in this Act will cause the general fund  
20 expenditure ceiling for fiscal year 2024-2025 to be further  
21 exceeded by \$ or per cent. The combined total



1 amount of general fund appropriations contained in only these  
2 two Acts will cause the state general fund expenditure ceiling  
3 for fiscal year 2024-2025 to be exceeded by  
4 \$                    or                    per cent. The reasons for exceeding the  
5 general fund expenditure ceiling are that:

- 6           (1) The appropriation made in this Act is necessary to  
7                   serve the public interest; and
- 8           (2) The appropriation made in this Act meets the needs  
9                   addressed by this Act.

10           SECTION 6. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12           SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

DBEDT; Department of the Attorney General; Hawaii Made Program; Made in Hawaii with Aloha Program; Hawaii-made Products; Hawaii-processed Products; Appropriation; Expenditure Ceiling

**Description:**

Merges the Made in Hawaii with Aloha branding program with the Hawaii Made program under the Department of Business, Economic Development, and Tourism. Specifies that the Department of the Attorney General shall be responsible for enforcement of the program. Clarifies that calculations to determine whether a non-perishable good labeled "Hawaii Made" or "made in Hawaii" has met the requirement that at least fifty-one per cent of the wholesale value of the product is added by production within the State include operating and overhead expenses incurred and spent within the State. Appropriates funds. Effective 7/1/3000.  
(HD2)

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