CONFERENCE COMMITTEE REP. NO.

Honolulu, Hawaii

APR 25 ' ²⁰²⁴

RE: H.B. No. 2278 H.D. 2

S.D. 3

C.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2278, H.D. 2, S.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO LABELING OF MACADAMIA NUTS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of the measure is to:

- (1) Expand the labeling requirements for macadamia nuts to labels on a consumer package that represent the origin of the raw or processed macadamia nuts as being from any place within the State, including through the company name or the use of images of the State;
- (2) Require a listing of the countries of origin of the portion of the processed macadamia nuts not grown in



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Hawaii that are included in the package to also be shown on the label; and

(3) Establish a private right of action for private persons injured by a violation of the labeling requirements for macadamia nuts.

Your Committee on Conference has amended this measure by:

- (1) Inserting a preamble;
- (2) Deleting language expanding the labeling requirements to labels on a consumer package that represent the origin of the raw or processed macadamia nuts as being from any place within the State, including through the company name or the use of images of the State;
- (3) Repealing statutory language requiring the disclosure of the percentage of macadamia nuts grown in the State if a label contains language that a portion of raw or processed macadamia nuts in the package was grown in the State;
- (4) Requiring a disclosure statement if a product contains raw or processed macadamia nuts grown outside of the State;
- (5) Deleting language establishing a private right of action;
- (6) Exempting products that contain any other ingredient, except seasonings and flavorings, in addition to macadamia nuts from the labeling requirements;
- (7) Changing the effective date to January 1, 2026; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2278, H.D. 2, S.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2278, H.D. 2, S.D. 3, C.D. 1.



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Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

HEREPT RICHARDS

Chai RETT KEOHOKALOLE

Co-Chair

KARL RHOADS Co-Chair ON THE PART OF THE HOUSE

CEDRIC ASUEGA GATES Co-Chair

MARK M. NAKASHIMA Co-Chair

KIRSTIN KAHALOA Co-Chair



Hawaii State Legislature

CCR 53-24

Record of Votes of a Conference Committee

| Bill / Concurrent Resolution No.: HB 2278, HD 2, SD 3 | | | Date/Time: April 24, 2024 4:30 PM | | | | | |
|--|-------------------------|----|--------------------------------------|--|-------------------------------|--------|---|----------------|
| The recommendation of the House and Senate managers is to pass with amendments (CD). | | | | | | | | |
| The Committee is reconsidering its previous decision. | | | | | | | | |
| The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | | | | The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. | | | | |
| Senate Managers | A | WR | Ν | Е | House Managers | A WR | N | E |
| RICHARDS, III, Herbert M. "Tim", Chr. | $\overline{\mathbf{V}}$ | | | | GATES, Cedric Asuega, Co-Chr. | 1/1 | | |
| KEOHOKALOLE, Jarrett, Co-Chr. | 1/1 | | | | NAKASHIMA, Mark M., Co-Chr. | V | | |
| RHOADS, Karl, Co-Chr. | | | | | KAHALOA, Kirstin, Co-Chr. | \vee | | |
| DECOITE, Lynn | V | | | / | MIYAKE, Tyson K. | | | |
| AWA, Brenton | | | | | NISHIMOTO, Scott Y. | | | |
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| TOTAL | 4 | | | 1 | TOTAL | 6 | | |
| A = Aye $WR = Aye$ with Reservations $N = Nay$ $E = Excused$ | | | | | | | | |
| | | | | House Recommendation is: | | | | |
| Adopted Not Adopted | | | | Adopted INot Adopted | | | | |
| Senate Lead Chair's or Designee's Signature: House Lead Chair's or Designee's Signature: | | | | | | | | |
| Distribution: Original Yellow Pink Goldenro File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Age | | | | | | | | C 12 |
| File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency | | | | | | | | |