

STAND. COM. REP. NO.

2926

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 3303
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3303, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify labeling requirements for macadamia nuts;
- (2) Require the country of origin to be included on the label of a consumer package of raw or processed macadamia nuts; and
- (3) Allow a private right of action for violations.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawai'i Farm Bureau, Maui County Farm Bureau, Big Island Juicing, Hawaii Ulu Cooperative, Synergistic Hawaii Agriculture Council, Hawaiian Macadamia Nut Services, Hawaii Macadamia Nut Association, Hamakua Macadamia Nut Company, Macadamia Growers of Hawai'i, Ka'u Farms Management LLC, Island Harvest Inc., and more than one hundred fifty individuals.

Your Committee received testimony in opposition to this measure from Hawaiian Host Group and more than one hundred fifty individuals.



Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that with more than six hundred twenty farms operating on seventeen thousand acres, the State is the fifth largest producer of macadamia nuts in the world after Australia, South Africa, China, and Kenya. However, the State's macadamia nut industry is under significant stress from economic and environmental pressures, with one of the greatest threats to the viability of macadamia farming in the State being the misleading labeling of macadamia nut products. This measure will enact positive changes to protect macadamia nut farmers and the premium brand of goods grown and produced in the State.

Your Committee has amended this measure by:

- (1) Deleting language that would have required a listing of the countries of origin of the portion of the raw macadamia nuts not grown in the Hawai'i that are included in the package to be shown on the label; and
- (2) Inserting language clarifying that if the regulations established by this measure conflict at any time with federal law, then the federal law shall prevail.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3303, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3303, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



