

JAN 17 2025

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. This Act shall be known and may be cited as the
3 "Mark Nakashima Act".

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

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



1 of choice and should be permitted to purchase raw milk and raw
2 milk products directly from producers, while also maintaining
3 high standards of safety and quality.

4 Accordingly, the purpose of this Act is to allow milk
5 producers to sell raw milk products directly to consumers,
6 subject to certain conditions.

7 SECTION 3. Chapter 157, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 **"PART . RAW MILK AND ASSOCIATED PRODUCTS**

11 **§157-A Definitions.** For the purposes of this part:

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

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

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

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



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

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

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

10 **§157-B Raw milk; direct distribution permitted.** (a)

11 Notwithstanding any law to the contrary, beginning July 1, 2026,
12 a raw milk producer may distribute raw milk, raw milk products,
13 and raw milk dairy products directly to consumers for human
14 consumption, subject to compliance with this part and rules
15 adopted by the board pursuant to subsection (b); provided that:

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

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



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

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

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

18 (6) No raw milk producer shall:

19 (A) Process, market, or distribute raw milk if the
20 raw milk exceeds the acceptable bacteria count
21 limit; or



1 (B) Manufacture, market, or distribute a raw milk
2 product or raw milk dairy product if the raw milk
3 used as an ingredient exceeds the acceptable
4 bacteria count limit.

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

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

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

18 (A) The antibiotic drug shall be:

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



(ii) Stored in a closed, labeled container as provided by the manufacturer of the antibiotic drug before being administered; and

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

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

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

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

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



(D) The raw milk producer shall retain records identifying the type and dosage of each antibiotic drug administered to a milk-bearing animal maintained at the raw milk dairy, each milk-bearing animal that is administered an antibiotic drug, and the date and location of the antibiotic drug administration. The raw milk producer shall retain the records for a period of three years.

(b) No later than July 1, 2026, the board shall adopt rules pursuant to chapter 91 governing the direct distribution to consumers of raw milk, raw milk products, and raw milk dairy products for human consumption in compliance with this part.

The rules shall:

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

(2) Regulate any circumstances under which raw milk producers may share animals for the purpose of



1 producing raw milk, raw milk products, or raw milk
2 dairy products.

3 **§157-C Processing and manufacturing of raw milk.** (a) In
4 accordance with any rules adopted by the board pursuant to
5 section 157-B, raw milk produced at a raw milk dairy shall be
6 processed and manufactured at the raw milk dairy in a manner
7 that protects the health and safety of persons consuming the
8 processed raw milk, raw milk product, or raw milk dairy product.

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

11 (c) The raw milk, raw milk product, raw milk dairy
12 product, or any other item using raw milk as an ingredient shall
13 be kept for storage prior to distribution at a temperature not
14 to exceed forty-five degrees Fahrenheit.

15 **§157-D Distribution of raw milk or associated products.**

16 (a) Each raw milk producer shall only accept an order for the
17 distribution of raw milk, a raw milk product, or a raw milk
18 dairy product at the raw milk producer's raw milk dairy in which
19 the raw milk, raw milk product, or raw milk dairy product is
20 produced or manufactured. The raw milk producer shall only
21 distribute the raw milk, raw milk product, or raw milk dairy



1 product to the individual placing the order. The raw milk
2 producer may distribute the raw milk, raw milk product, or raw
3 milk dairy product to the raw milk recipient without charge, on
4 a retail basis, or for exchange.

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

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

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

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

18 (d) The raw milk producer shall directly distribute the
19 raw milk, raw milk product, or raw milk dairy product to the
20 recipient at the raw milk dairy or to a location specified by
21 the recipient; provided that no raw milk, raw milk product, or



1 raw milk dairy product shall be delivered to a place of business
2 where food or food items are distributed on a retail basis. The
3 raw milk, raw milk product, or raw milk dairy product shall only
4 be used for human consumption by the recipient, members of the
5 recipient's household, or the recipient's non-paying guests or
6 non-paying employees.

7 (e) No person shall redistribute raw milk, raw milk
8 products, or raw milk dairy products.

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

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

20 "RAW MILK

21 NOTICE TO CONSUMERS



1 THIS CONTAINER HOLDS RAW MILK THAT IS NOT SUBJECT TO STATE
2 INSPECTION OR OTHER PUBLIC HEALTH REGULATIONS THAT REQUIRE
3 PASTEURIZATION AND GRADING. RAW MILK MAY CONTAIN HARMFUL
4 BACTERIA THAT ARE UNSAFE TO CONSUME.".

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

7 "RAW MILK PRODUCT or CONTAINS RAW MILK PRODUCTS
8 NOTICE TO CONSUMERS

9 THIS CONTAINER HOLDS A RAW MILK PRODUCT OR RAW MILK DAIRY
10 PRODUCT THAT IS NOT SUBJECT TO STATE INSPECTION OR OTHER PUBLIC
11 HEALTH REGULATIONS THAT REQUIRE PASTEURIZATION AND GRADING.
12 THIS PRODUCT MAY CONTAIN BACTERIA THAT ARE UNSAFE TO CONSUME.".

13 **§157-F Enforcement actions.** Upon request, a raw milk
14 producer shall provide the department of health with all records
15 required to be kept by the raw milk producer as provided in
16 section 157-B, including records relating to:

17 (1) The coliform count and standard plate count of
18 milk-bearing animals maintained by the raw milk
19 producer at a raw milk dairy; and



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

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

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

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

SECTION 5. Section 157-41, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:



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

PART II

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

"§321- Raw goat milk; pet consumption; direct sales permitted. (a) Notwithstanding any provision to the contrary, beginning July 1, 2026, raw goat milk may be sold for pet consumption, subject to rules adopted pursuant to subsection (b).

(b) No later than July 1, 2026, the department of health shall adopt rules pursuant to chapter 91 to govern the sale of raw goat milk for pet consumption. The rules shall:



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

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

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

(c) Each container of raw goat milk intended for sale for pet consumption shall include on the container or packaging:

(1) A label reading "RAW GOAT MILK"; and

(2) A statement reading "FOR PET CONSUMPTION ONLY - RAW GOAT MILK MAY CONTAIN BACTERIA THAT ARE HARMFUL TO HUMANS".

(d) For the purposes of this section:

"Goat milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats.

"Raw goat milk" means goat milk that has not been pasteurized, graded, or otherwise treated with heat."

PART III



S.B. NO. 962

1 SECTION 7. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

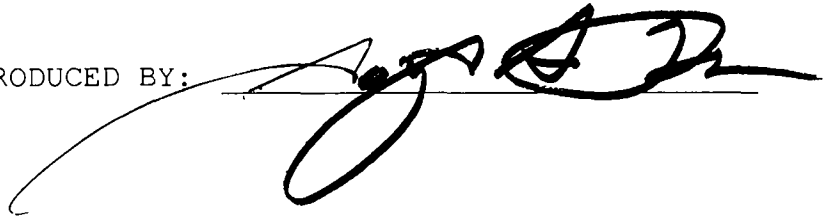
4 SECTION 8. In codifying the new sections added by section
5 3 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 9. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 10. This Act shall take effect on July 1, 2025.

11

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the sponsor.

S.B. NO. 962

Report Title:

BOA; DOH; Raw Milk; Raw Milk Products; Raw Milk Dairy Products;
Raw Goat Milk; Sales; Mark Nakashima Act

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 direct 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 7/1/2026.

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

