
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature finds that in the State, land
2 is a precious and limited resource, and zoning laws often
3 distinguish between land used for agricultural purposes and
4 other uses, such as residential or commercial development. The
5 lack of a uniform standard for what constitutes a bona fide
6 farmer can lead to discrepancies in the way agricultural zoning
7 is applied. Landholders who are not truly engaged in farming
8 may take advantage of agricultural zoning designations,
9 potentially reducing available agricultural land and undermining
10 the State's efforts to preserve land for commercial agricultural
11 activities. This creates conflicts with the preservation and
12 allocation of agricultural resources, which should be reserved
13 for farmers who are engaged in genuine farming activities.

14 The legislature acknowledges that some of the persistent
15 difficulties in Hawaii agriculture have been its several
16 attempts to reconcile the diversity of agricultural practices
17 with the need for a uniform, enforceable standard that prevents



1 abuse of agricultural tax classifications and land entitlements,
2 incorporating the breadth and scope of agricultural activity in
3 the State and providing comprehensive language that successfully
4 incorporates county level zoning and property tax ordinances
5 regarding land and water usage.

6 Therefore, the purpose of this Act is to require the board
7 of agriculture and biosecurity to develop and adopt multi-
8 tiered, matrix-based definitions for the terms "bona fide
9 farmer" and "bona fide agricultural activity".

10 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§141- Bona fide farmers. (a) The board of
14 agriculture and biosecurity shall work collaboratively with the
15 agribusiness development corporation and other engaged
16 agricultural entities and organizations to draft, develop, and
17 adopt comprehensive definitions for the terms "bona fide farmer"
18 and "bona fide agricultural activity" utilizing a multi-tiered,
19 matrix-based assessment framework. The definitions shall be
20 submitted to the legislature to be considered in legislation to
21 codify the definitions into this chapter. The board shall



1 periodically review and as necessary submit proposed amendments
2 to the legislature to the definitions and framework to ensure
3 consistency, applicability, and effective implementation in law
4 and practice.

5 (b) The board of agriculture and biosecurity, in
6 collaboration with the agribusiness development corporation,
7 shall establish the following multi-tiered, matrix-based
8 assessment framework for the purpose of subsection (a):

9 (1) Tier I. Entry-level and transitional farmers. Tier I
10 shall recognize bona fide entry-level and transitional
11 farms and ensure access to land, water, and
12 agricultural support resources during the
13 establishment or recovery phase of a farm. A person
14 is bona fide entry-level or transitional farmer under
15 this paragraph if the person:

16 (A) Is a new farmer, part-time farmer, vocational
17 trainee, displaced agricultural worker,
18 recovering farmer impacted by natural disaster or
19 other catastrophic event, or graduate of Hawaii
20 Young Farmer Association or Future Farmers of
21 America programs;



- 1 (B) Provides a documented farm plan, including but
2 not limited to a plan certified by the department
3 of agriculture and biosecurity or an approved
4 training program of the university of Hawaii
5 college of tropical agriculture and human
6 resiliency;
- 7 (C) Provides evidence of initial agricultural
8 investment, including purchase or lease of
9 agricultural infrastructure, seed stock, or
10 livestock; and
- 11 (D) Demonstrates bona fide intent to farm within a
12 period of not less than three years and not more
13 than five years; provided that proof of sustained
14 production shall not be required;
- 15 (2) Tier II. Small-scale and diversified farmers. Tier
16 II shall recognize bona fide small-scale and
17 diversified farms without imposing unrealistic or
18 strictly uniform income thresholds. A person is a
19 bona fide small-scale or diversified farmer under this
20 paragraph if the person:



1 (A) Is a sole proprietor, family farmer, subsistence
2 and cultural practitioner, small livestock
3 operator, apiary, nursery, or diversified crop
4 producer;

5 (B) Demonstrates agricultural activity, including
6 cultivation, livestock care, aquaculture
7 operations, or equivalent agricultural endeavor;

8 (C) Either:

9 (i) Documents gross income from agricultural
10 sales proportionate to the acreage and crop
11 or livestock type; or

12 (ii) Documents cultural or subsistence
13 production, including but not limited to
14 kalo, 'uala, loko i'a, or other customary and
15 traditional practices; and

16 (D) Provides a farm plan that demonstrates active
17 management and stewardship of land and water
18 resources;

19 (3) Tier III. Commercial and professional farmers. Tier
20 III shall recognize bona fide commercial and
21 professional farms and ensure accountability for



- 1 operators whose primary livelihood is derived from
2 agriculture while recognizing sector-specific economic
3 realities. A person is a bona fide commercial or
4 professional farmer under this paragraph if the
5 person:
- 6 (A) Is a full-time farmer; agricultural partnership;
7 value-added producer; medium-scale aquaculture
8 producer; greenhouse or shade-house operator; or
9 conducts a floriculture, forestry, or ranching
10 enterprise;
- 11 (B) Documents gross agricultural income, calibrated
12 by sector to reflect varying per-acre yields and
13 market values;
- 14 (C) Complies with all applicable federal, state, and
15 county labor, safety, and environmental
16 standards; and
- 17 (D) Provides evidence of active participation in
18 agricultural markets, including but not limited
19 to cooperative memberships, contractual sales
20 arrangements, or distribution agreements; and



1 (4) Tier IV. Corporate and institutional agricultural
2 enterprises. Tier IV shall recognize bona fide
3 corporate and institutional agricultural enterprises
4 and ensure that large-scale agricultural enterprises
5 maintain genuine agricultural operations and do not
6 utilize the designation of "bona fide farmer" or "bona
7 fide agricultural activity" for the purposes of land
8 speculation or residential development. A person is a
9 bona fide corporate or institutional agricultural
10 enterprise farmer under this paragraph if the person:
11 (A) Is a corporation, partnership, cooperative,
12 research institution, seed company, or vertically
13 integrated agricultural business;
14 (B) Provides proof of incorporation, partnership,
15 cooperative, or other legal entity status
16 registered within the State;
17 (C) Documents that more than fifty per cent of
18 landholdings are actively used for agricultural
19 production; and
20 (D) Demonstrates agricultural revenues, employment of
21 agricultural labor, and compliance with all



1 environmental and water use permits issued
2 pursuant to state and federal law.

3 (c) In assessing whether a farmer or farming operation is
4 bona fide under any tier, the board shall consider the following
5 factors, none of which shall be individually determinative:

6 (1) Evidence of production, including crop harvest logs,
7 livestock inventories, aquaculture or aquaponic
8 production records, or sales receipts;

9 (2) Investment in agricultural infrastructure, including
10 but not limited to irrigation systems, fencing, shade
11 houses, aquaponic tanks, apiary hives, or processing
12 facilities;

13 (3) Demonstrated cultural or community value, including
14 practices tied to Native Hawaiian traditions,
15 subsistence food production, or contributions to local
16 food security;

17 (4) Evidence of environmental stewardship, including
18 compliance with water rights, soil conservation,
19 invasive species management, and sustainable land
20 management practices;



1 (5) Scale of operation relative to acreage and zoning, to
2 ensure agricultural activity is appropriate to the
3 land in use; and

4 (6) Temporal considerations, including allowances for crop
5 cycles, rotational fallowing, disaster recovery, and
6 farm start-up periods.

7 (d) The definition for "bona fide farmer" shall outline
8 the following criteria:

9 (1) Commercial focus;

10 (2) Farm size or scale;

11 (3) Minimum income threshold; and

12 (4) Primary occupation.

13 The definition for "bona fide farmer" shall also include
14 the term "bona fide agricultural activity".

15 (e) The board shall solicit and incorporate stakeholder
16 input in drafting the definitions for "bona fide farmer" and
17 "bona fide agricultural activity".

18 (f) The board shall adopt rules pursuant to chapter 91 to
19 carry out the purposes of this section."

20 SECTION 3. The board of agriculture and biosecurity shall
21 submit a report of the drafted definitions for the terms "bona



1 fide farmer" and "bona fide agricultural activity", including
2 any proposed legislation, to the legislature no later than
3 twenty days prior to the convening of the regular session of
4 2027.

, 5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

BAB; Bona Fide Farmer; Bona Fide Agricultural Activity;
Definitions; Report

Description:

Requires the Board of Agriculture and Biosecurity to develop and adopt a multi-tiered, matrix-based assessment framework to develop definitions for the terms "bona fide farmer" and "bona fide agricultural activity" to be codified into the Hawaii Revised Statutes. Requires the Board to collaborate with stakeholders to draft the terms "bona fide farmer" and "bona fide agricultural activity". Requires a report to the Legislature. Effective 7/1/2050. (SD2)

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