
A BILL FOR AN ACT

RELATING TO MICROENTERPRISE HOME KITCHENS.

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

1 SECTION 1. The legislature finds that Hawaii's existing
2 commercial kitchen, permitting, and regulatory requirements,
3 while designed to protect public health, can create significant
4 barriers for small, home-based food operators. The high cost of
5 renting or constructing a commercial kitchen, combined with
6 complex permitting processes, often prevents residents with
7 limited resources from legally entering the food marketplace,
8 despite having the skills and community demand to support small-
9 scale food production.

10 The legislature further finds that jurisdictions across
11 California have successfully authorized microenterprise home
12 kitchens and cottage food operations by relying on clear
13 consumer disclosures, limited regulatory requirements, and
14 risk-appropriate food-safety standards. These models have
15 expanded economic opportunities, supported cultural and
16 community-based food traditions, and enabled residents to



1 supplement household income while maintaining strong
2 public-health protections.

3 The legislature notes that federal laws governing food
4 adulteration and misbranding continue to apply to all food
5 offered for sale in the United States and are not affected by
6 the creation of a state-level framework for microenterprise home
7 kitchens. Compliance with federal standards remains mandatory
8 and provides an additional layer of consumer protection.

9 The legislature intends to reduce regulatory barriers for
10 very small direct to consumer food entrepreneurs while
11 maintaining core public health protections through existing
12 adulterated and misbranded food laws and the department of
13 health's authority to respond to complaints, foodborne illness
14 outbreaks, and imminent threats to public health.

15 The purpose of this Act is to authorize microenterprise
16 home kitchens as a lawful, small-scale, home-based food business
17 model by eliminating pre-operation permitting and routine
18 inspections for qualifying operations of microenterprise home
19 kitchens and instead relying on clear consumer disclosure and
20 targeted, complaint based enforcement.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 19 be appropriately designated and
3 to read as follows:

4 "CHAPTER

5 MICROENTERPRISE HOME KITCHENS

6 PART I. GENERAL PROVISIONS

7 § -1 Definitions. As used in this chapter:

8 "Department" means the department of health.

9 "Direct-to-consumer sale" means a transaction between an
10 operator and a consumer, whereby the consumer purchases food
11 directly from the operator and not from a third party.

12 "Food" means:

13 (1) A raw, cooked, or processed edible substance, ice,
14 nonalcoholic beverage, or ingredient used or intended
15 for use or for sale, in whole or in part, for human
16 consumption; or

17 (2) Chewing gum.

18 "Microenterprise home kitchen" or "home kitchen":

19 (1) Means a non-commercial kitchen facility located in a
20 private home where ready-to-eat food is handled,
21 stored, prepared, or offered for sale; and



(2) Does not include a food establishment or food processing establishment.

"Operator" means a person who resides in a private home and manages or controls a microenterprise home kitchen located in that private home.

PART II. OPERATIONS OF MICROENTERPRISE HOME KITCHENS

§ -11 Microenterprise home kitchens; direct-to-consumer sales; operations. (a) An operator of a microenterprise home kitchen is hereby authorized to engage in direct-to-consumer sales of food prepared in the operator's home kitchen.

(b) A microenterprise home kitchen operating in compliance with this chapter shall not be considered a food establishment or food processing establishment for purposes of chapter 321.

(c) The following shall not be required for the operation of a home kitchen:

(1) Food establishment permit as required by the department;

(2) Pre-operation plan review or routine periodic inspection;

(3) Food safety manager certification;

(4) Food handler card;



(5) Submission of standard operating procedures; and

(6) Compliance with commercial retail food establishment construction and equipment standards as required by law.

(d) No operator of a home kitchen shall sell food at wholesale or for resale by another business.

(e) An operator of a home kitchen shall:

(1) Comply with all applicable state tax laws, including chapter 237; and

(2) Retain basic sales and production records sufficient to demonstrate compliance with this chapter and assist the department in investigating complaints or outbreaks pursuant to section -21 and any rules adopted by the department.

§ -12 Microenterprise kitchens; prohibitions; food safety. (a) An operator shall be prohibited from:

(1) Allowing consumption of food sold by the operator at the operator's residence by consumers, other than by the occupants of the residence and the occupants' personal guests;



(2) Selling alcohol, controlled substances as defined in chapter 329, and cannabis;

(3) Engaging in the sale of adulterated or misbranded food, in violation of sections 328-9 and 328-10 or title 21 United States Code sections 342 or 343; and

(4) The knowing sale of food that has been stored, prepared, or transported in a manner that creates a reasonable likelihood of causing foodborne illness.

(b) An operator who violates subsection (a) may be subject to penalties and fines, as determined by the department.

§ -13 **Sale of food; disclosure.** (a) An operator shall provide disclosure to a consumer prior to the sale of the operator's product with the following language, or language substantially similar to the following:

"This food is prepared in a home kitchen that is not inspected by the department of health as a commercial food establishment."

The disclosure shall be in a font size large enough to be visible and for consumers to easily read on the label of each packaged food container.



(b) The disclosure required pursuant to this section shall be provided by the operator:

(1) On each packaged food container;

(2) On the operator's menu, websites, online listings, invoices, receipts; and

(3) By written or electronic notice for non-packaged food at the point of ordering or purchase.

PART III

ADMINISTRATION AND ENFORCEMENT

§ -21 Department of health; public health; inspections; remedies. (a) Nothing in this chapter shall be construed to limit the authority of the department under chapter 321 to investigate or respond to an imminent threat to public health, a substantiated consumer complaint, or a foodborne illness outbreak.

(b) The department may conduct an investigation of an operator on a microenterprise home kitchen, including site visits or inspections, upon:

(1) A substantiated consumer complaint;

(2) Credible evidence of a foodborne illness outbreak associated with a microenterprise home kitchen; or



1 (3) A reasonable belief of an imminent threat to public
2 health;
3 provided that the department shall not conduct routine or
4 periodic inspections of microenterprise home kitchens solely due
5 to the home kitchens' operation under this chapter.

6 (c) Upon confirmation of adulterated or misbranded food or
7 a foodborne illness outbreak associated with a microenterprise
8 home kitchen, the department may use any remedy available under
9 chapter 321, including:

10 (1) Imposing an embargo or condemnation of the food;

11 (2) Ordering a cease and desist of particular food items;
12 or

13 (3) Temporarily suspending the operation of the
14 microenterprise home kitchen when necessary to protect
15 public health.

16 § -22 Rules. (a) The department may adopt rules
17 pursuant to chapter 91 for the purposes of:

18 (1) Consumer disclosure content, format, and placement, as
19 required pursuant to section -13;

20 (2) Recordkeeping necessary to demonstrate compliance by
21 an operator with this chapter; and



(3) Identification of specific high risk foods or processes that shall be prohibited from being produced in a microenterprise home kitchen.

(b) The department shall not adopt rules that:

(1) Require an operator to obtain a food establishment permit;

(2) Require plan review or compliance with commercial retail food establishment construction standards by an operator; or

(3) Require substantial compliance with rules regarding retail food establishments.

(c) Any rule adopted under this chapter to require a microenterprise home kitchen to operate as a food establishment or food processing establishment shall be deemed void and unenforceable."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:


JAN 26 2026



H.B. NO. 2229

Report Title:

Microenterprise Home Kitchens; Home-Based Food Businesses;
Direct-to-Consumer Sales; Consumer Disclosure; Food Safety

Description:

Authorizes microenterprise home kitchens to prepare and sell food directly to consumers without food establishment permits or routine inspections, subject to consumer disclosure and basic food safety requirements. Clarifies that microenterprise home kitchens are not food establishments or food processing establishments. Authorizes the Department of Health to conduct investigations on microenterprise home kitchens in response to complaints, foodborne illness outbreaks, and imminent threats to public health.

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