
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 **S -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



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

PART II. OPERATIONS OF MICROENTERPRISE HOME KITCHENS

7 § -11 Microenterprise home kitchens; direct-to-consumer
8 **sales; operations.** (a) An operator of a microenterprise home
9 kitchen is hereby authorized to engage in direct-to-consumer
10 sales of food prepared in the operator's home kitchen.

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

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

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

18 (2) Pre-operation plan review or routine periodic
19 inspection:

20 (3) Food safety manager certification:

21 (4) Food handler card:



§ -12 Microenterprise kitchens; prohibitions; food

16 safety. (a) An operator shall be prohibited from:

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





PART III

ADMINISTRATION AND ENFORCEMENT

10 § -21 Department of health; public health; inspections;

11 **remedies.** (a) Nothing in this chapter shall be construed to
12 limit the authority of the department under chapter 321 to
13 investigate or respond to an imminent threat to public health, a
14 substantiated consumer complaint, or a foodborne illness
15 outbreak.

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

19 (1) A substantiated consumer complaint;

20 (2) Credible evidence of a foodborne illness outbreak

21 associated with a microenterprise home kitchen; or



(c) Upon confirmation of adulterated or misbranded food or a foodborne illness outbreak associated with a microenterprise home kitchen, the department may use any remedy available under 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 SECTION 3. This Act shall take effect upon its approval.

17

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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