
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 agriculture
14 and biosecurity shall work collaboratively with engaged
15 agricultural entities and organizations to draft, develop, and
16 adopt comprehensive definitions for the terms "bona fide farmer"
17 and "bona fide agricultural activity" utilizing a multi-tiered,
18 matrix-based assessment framework. The definitions shall be
19 submitted to the legislature to be considered in legislation to
20 codify the definitions into this chapter. The board shall
21 periodically review and as necessary submit proposed amendments



1 to the legislature to the definitions and framework to ensure
2 consistency, applicability, and effective implementation in law
3 and practice.

4 (b) The board of agriculture and biosecurity shall
5 establish the following multi-tiered, matrix-based assessment
6 framework for the purpose of subsection (a):

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

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

20 (B) Provides a documented farm plan, including but
21 not limited to a plan certified by the department



1 of agriculture and biosecurity or an approved
 2 training program of the university of Hawaii
 3 college of tropical agriculture and human
 4 resiliency;

5 (C) Provides evidence of initial agricultural
 6 investment, including purchase or lease of
 7 agricultural infrastructure, seed stock, or
 8 livestock; and

9 (D) Demonstrates bona fide intent to farm within a
 10 period of not less than three years and not more
 11 than five years; provided that proof of sustained
 12 production shall not be required;

13 (2) Tier II. Small-scale and diversified farmers. Tier
 14 II shall recognize bona fide small-scale and
 15 diversified farms without imposing unrealistic or
 16 strictly uniform income thresholds. A person is a
 17 bona fide small-scale or diversified farmer under this
 18 paragraph if the person:

19 (A) Is a sole proprietor, family farmer, subsistence
 20 and cultural practitioner, small livestock



1 operator, apiary, nursery, or diversified crop
2 producer;

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

6 (C) Either:

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

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

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

17 (3) Tier III. Commercial and professional farmers. Tier
18 III shall recognize bona fide commercial and
19 professional farms and ensure accountability for
20 operators whose primary livelihood is derived from
21 agriculture while recognizing sector-specific economic



1 realities. A person is a bona fide commercial or
2 professional farmer under this paragraph if the
3 person:

4 (A) Is a full-time farmer; agricultural partnership;
5 value-added producer; medium-scale aquaculture
6 producer; greenhouse or shade-house operator; or
7 conducts a floriculture, forestry, or ranching
8 enterprise;

9 (B) Documents gross agricultural income, calibrated
10 by sector to reflect varying per-acre yields and
11 market values;

12 (C) Complies with all applicable federal, state, and
13 county labor, safety, and environmental
14 standards; and

15 (D) Provides evidence of active participation in
16 agricultural markets, including but not limited
17 to cooperative memberships, contractual sales
18 arrangements, or distribution agreements; and

19 (4) Tier IV. Corporate and institutional agricultural
20 enterprises. Tier IV shall recognize bona fide
21 corporate and institutional agricultural enterprises



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



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

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

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

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

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

19 (5) Scale of operation relative to acreage and zoning, to
20 ensure agricultural activity is appropriate to the
21 land in use; and



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

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

- 6 (1) Commercial focus;
- 7 (2) Farm size or scale;
- 8 (3) Minimum income threshold; and
- 9 (4) Primary occupation.

10 The definition for "bona fide farmer" shall also include
11 the term "bona fide agricultural activity".

12 (e) The board shall solicit and incorporate stakeholder
13 input in drafting the definitions for "bona fide farmer" and
14 "bona fide agricultural activity".

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

17 SECTION 3. The board of agriculture and biosecurity shall
18 submit a report of the drafted definitions for the terms "bona
19 fide farmer" and "bona fide agricultural activity", including
20 any proposed legislation, to the legislature no later than



1 twenty days prior to the convening of the regular session of
2 2027.

3 SECTION 4. New statutory material is underscored.

4 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. (SD1)

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