

ACT 134

H.B. NO. 790

A Bill for an Act Relating to Fresh Produce.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 147-4, Hawaii Revised Statutes, is amended to read as follows:

“**§147-4 Rules [and regulations]**. The department [of agriculture] may make rules [and regulations]; subject to chapter 91:

(1) Defining grades and grade labeling requirements of agricultural commodities and standard containers for packing of particular agricultural commodities [and prohibiting];

(2) Prohibiting the sale, offering for sale, or transportation of agricultural commodities unless packed in standard containers and labeled [in the manner provided for by the regulation] with [a] the appropriate grade [for which the product meets the minimum standards, or unless labeled “OFFGRADE”]; or offgrade designation; provided that [the] this prohibition shall not apply to the sale, offering for sale, or transportation to a plant for grading, packing, or processing, or transportation to a warehouse for storage;

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(3) Prohibiting the use of grade terms or abbreviations of grade terms on agricultural commodities for which no grades have been established under this part;

(4) Defining “suitable shipping condition” for agricultural commodities which are to be shipped for sale from one island to another within the State or to points outside the State, and prohibiting such shipment for sale of agricultural commodities which do not meet the minimum standards set for “suitable shipping condition”;

(5) Prescribing records to be kept in connection with purchases of agricultural commodities by persons, other than produce dealers purchasing from a producer or producers, for purposes of resale five or more tons of agricultural commodities during any one calendar month; and

(6) Prescribing records to be kept by produce dealers in connection with the purchase, sale, transport for sale, solicitation, or negotiation of sale with respect to an agricultural commodity.

[All rules and regulations shall be made only after consultation by the department with the advisory committee on markets and in compliance with all other laws concerning the making of rules and regulations having the force of law. When made, all such rules and regulations shall have the force and effect of law.

The department, in] In making the rules the department shall[, among other things,] take into account, [so far as applicable,] among other things, the factors of maturity, condition, soundness, color, shape, size, and freedom from defects of the agricultural commodity in question and shall also take into consideration the official standards, grades or classifications [promulgated from time to time] adopted by the secretary of the Department of Agriculture of the United States, commonly known as U.S. Grades.”

SECTION 2. Section 147-3, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 147-6, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed.¹ New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 22, 1991.)

Note

1. Edited pursuant to HRS §27G-16.5.