

## ACT 80

S.B. NO. 1223

A Bill for an Act Relating to Hawaii Made Products.

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

SECTION 1. Section 486-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Craft item” means any consumer commodity that is not an agricultural commodity or a perishable consumer commodity that is manufactured, assembled, fabricated, or produced by an individual working alone or a small group of individuals working collaboratively and that is produced by hand or by using simple tools. Craft item does not include a consumer commodity that is mass-produced or an item that is merely assembled from two or more mass-produced consumer commodities.

“Perishable consumer commodity” means any article, product, good, or agricultural commodity of any kind that is customarily produced or distributed for sale through mercantile or retail sales outlets; is intended for consumption as food or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions; and is intended to have a limited shelf life. “Perishable consumer commodity” includes, but is not limited to, baked goods, dairy products, cut or dried flowers, coffee, candy, cookies, jam, jelly, juices, oils, nuts, or similar products.”

SECTION 2. Section 486-119, Hawaii Revised Statutes, is amended to read as follows:

“[§486-119] Hawaii-made products[-]; Hawaii-processed products. (a) No person shall keep, offer, display [ø], expose for sale, or solicit for the sale of any item, product, souvenir, or any other merchandise [which] that is labeled [“Made in Hawaii”] “made in Hawaii” or [which] that by any other means misrepresents the origin of the item as being from any place within the State, [which] or uses the phrase “made in Hawaii” as an advertising or media tool for any craft item that has not been manufactured, assembled, fabricated, or produced within the State and [which] that has not had at least fifty-one per cent of its wholesale value added by manufacture, assembly, fabrication, or production within the State.

(b) Subsection (a) notwithstanding, no person shall keep, offer, display, expose for sale, or solicit the sale of any perishable consumer commodity that is labeled “made in Hawaii”, “produced in Hawaii”, or “processed in Hawaii” or that by any other means represents the origin of the perishable consumer commodity as being from any place within the State, or use the phrase “made in Hawaii”, “produced in Hawaii”, or “processed in Hawaii” as an advertising or media tool for any perishable consumer commodity, unless the perishable consumer commodity is wholly or partially manufactured, processed, or produced within the State from raw materials that originate from inside or outside the State and at least fifty-one per cent of the wholesale value of the perishable consumer commodity is added by manufacture, processing, or production within the State.”

SECTION 3. The chair of the board of agriculture shall convene a working group composed of:

- (1) A representative of the department of business, economic development, and tourism;

## ACT 80

- (2) Representatives of native Hawaiian artisans;
- (3) Representatives of artisan and handcrafter guilds or collectives such as Creations of Hawaii and the Made in Hawaii Festival;
- (5)<sup>1</sup> Retail merchants of handcrafted goods;
- (6)<sup>1</sup> A representative of Hawaii Farm Bureau Federation;
- (7)<sup>1</sup> A representative of Hawaii Food Manufacturers Association; and
- (8)<sup>1</sup> A representative of Hawaii Food Industry Association.

The purpose of the working group shall be to identify labeling issues relating to the Hawaii-made products law and to propose workable solutions, including solutions for enforcement.

The working group shall submit a report of its findings to the legislature no later than twenty days prior to the convening of the 2010 regular session.

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2009.

(Approved June 1, 2009.)

### Note

1. So in original.