

Hawaii State Laws Affected by H.R. 4879

- I. Food
 - a. Food Safety
 - i. Date Label Laws
 - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
 - 2. Haw. Code R. 11-15-39
 - b. Dairy
 - i. Date Labels
 - 1. These laws require milk or other dairy products be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
 - 2. Haw. Code R. 11-15-39
 - c. Shellfish
 - i. Date Labels
 - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
 - 2. Haw. Code R. 11-50-31
 - ii. Sourcing Requirements
 - 1. These regulations impose requirements on the sourcing of shellfish. Most often, they stipulate that molluscan shellfish received into the state through interstate commerce must be from sources approved by the Interstate Certified Shellfish Shippers List.
 - 2. Haw. Admin. Rules (HAR) § 11-50-31
 - d. Mushrooms
 - i. Wild Mushroom Processing and Licensing
 - 1. These laws allow retail food establishments to sell mushrooms picked in the wild subject to certain conditions. Frequently, they require that mushrooms sold in the state be properly processed by a licensed processing plant in order to ensure they are safe for human consumption.
 - 2. Haw. Admin. Rules (HAR) § 11-50-31
- II. Alcohol
 - a. None
- III. Drugs
 - a. Recreational
 - i. Salvia
 - 1. Salvia divinorum or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some

laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.

2. HI ST § 329-14

b. Tobacco

i. Minimum Age Requirements

1. These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.

2. HI ST § 712-1258

ii. Fire Safety Standards

1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.

2. Haw. Rev. Stat. Ann. § 132C-1

3. Haw. Rev. Stat. Ann. § 132C-2

4. Haw. Rev. Stat. Ann. § 132C-3

5. Haw. Rev. Stat. Ann. § 132C-4

6. Haw. Rev. Stat. Ann. § 132C-5

IV. Fishing

a. None

V. Wood and Lumber

a. Christmas Trees

i. Import Requirements

1. These laws place requirements on the importation of Christmas trees. Some impose labeling, certification, or other requirements to ensure that imported trees do not bring with them unwanted pests or disease.

2. Hawaii Rev. Stat. § 150A-5

3. Haw. Admin. Rules (HAR) § 4-70-36

VI. Home Goods and Products

a. None

VII. Live Animal Imports

a. Birds

i. Avian Influenza and Newcastle Disease

1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans.

States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.

2. Haw. Admin. Rules (HAR) § 4-22
3. Haw. Admin. Rules (HAR) § 4-28-8

b. Cattle and Bison

i. Anthrax

1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
2. Haw. Admin. Rules (HAR) § 4-20-7
3. Haw. Admin. Rules (HAR) § 4-22 Exhibit A

ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
2. Haw. Admin. Rules (HAR) § 4-16-18

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
2. Haw. Admin. Rules (HAR) §4-22, Ex.A
3. Haw. Admin. Rules (HAR) § 4-16-16

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species.

These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. Haw. Admin. Rules (HAR) § 4-20-7
3. Haw. Admin. Rules (HAR) § 4-22 Exhibit A

c. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.
2. Haw. Admin. Rules (HAR) § 4-71-6
3. HI ADC § 4-71 Attachment 3

d. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.
2. Haw. Rev. Stat. § 150A-6

e. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
2. Haw. Admin. Rules (HAR) § 4-23-8

f. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In

addition, many states require negative testing or certification prior to importation.

2. Haw. Admin. Rules (HAR) § 4-16-9

g. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

2. Haw. Admin. Rules (HAR) § 4-17-7

ii. Swine Vesicular Disease

1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.

2. Haw. Admin. Rules (HAR) § 4-20-7

3. Haw. Admin. Rules (HAR) § 4-22 Exhibit A

VIII. Companion Animals

a. None

IX. Products for Animals

a. Prohibited Foods

i. Feed Garbage to Swine

1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.

2. Haw. Admin. Rules (HAR) § 4-17-7

X. Dead Animals and Animal Parts

a. Shark Fins

i. Possession or Sale

1. These laws prohibit the sale of shark fins for human consumption or the possession of a detached shark fin within the state. (It should be noted that sharks are a class of fish and, as a result, are likely to be considered an agricultural product within the meaning of PICA).

2. HRS § 188-40.7

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- XI. Invasive Pests, Plants, and Disease
 - a. None
- XII. Procurement
 - a. Agricultural Goods
 - i. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
 - ii. HRS § 103D-1002
- XIII. General Prohibitions
 - a. None
- XIV. Miscellaneous
 - a. None