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# 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 Hawaii-grown coffee  
2 is recognized for its high quality and aromatic flavor. Hawaii-  
3 grown coffee is held to a set of high quality standards, which  
4 makes it one of the most expensive coffees in the world.  
5 According to Statistics of Hawaii Agriculture, the estimated  
6 value of Hawaii-grown coffee in 2011 was \$31,540,000, ranking it  
7 fifth in the top twenty agricultural commodities in the State.

8           To protect the Hawaii coffee industry from counterfeiting,  
9 the legislature in 2012 enacted Act 328, Session Laws of Hawaii  
10 2012, which established criminal penalties for Hawaii-grown  
11 cherry, parchment, and green coffee that is falsely labeled with  
12 regard to the geographic origin. However, in addition to the  
13 geographic origin, stricter enforcement on the labeling  
14 restrictions based on the quality of the coffee being sold is  
15 critical to prevent further counterfeiting of Hawaii's  
16 recognized high quality coffee. Furthermore, the criminal  
17 penalties for false labeling should apply not only to cherry,  
18 parchment, and green coffee, but also to roasted coffee.



1           The purpose of this Act is to extend the offense of false  
2 labeling of Hawaii-grown coffee to include violations of grade  
3 standard requirements and coffee in all stages of coffee  
4 production.

5           SECTION 2. Section 708-871.5, Hawaii Revised Statutes, is  
6 amended by amending its title and subsections (1) and (2) to  
7 read as follows:

8           "~~§~~**708-871.5** **False labeling of Hawaii-grown coffee.**

9           (1) A person commits the offense of false labeling of Hawaii-  
10 grown coffee if the person knowingly transports, distributes,  
11 advertises, sells, or possesses with the intent to sell Hawaii-  
12 grown green coffee, cherry coffee, natural, or parchment coffee  
13 that is falsely labeled with regard to the ~~[geographic origin of~~  
14 ~~the Hawaii grown coffee.]~~:

15           (a) Geographic origin of the green, cherry, parchment,  
16           natural, roasted, or instant Hawaii-grown coffee;

17           (b) Grades and standards classification for Hawaii-grown  
18           coffee set forth in rules adopted under chapter 147;

19           or

20           (c) Use of a geographic origin in the labeling of roasted  
21           or instant coffee, if the green coffee beans used in  
22           the roasted or instant coffee do not meet the grades



1           and standards requirements of rules adopted pursuant  
2           to chapter 147.

3           (2) For purposes of this section:

4           "Cherry coffee" means the unprocessed fruit of the coffee  
5 plant.

6           "Geographic origin" means the geographic areas designated  
7 as follows:

8           (a) Hamakua is the Hamakua district on the island of

9           Hawaii, as designated by the State of Hawaii tax map;

10          (b) Hawaii is the State of Hawaii;

11          (c) Kau is the Kau district on the island of Hawaii, as  
12          designated by the State of Hawaii tax map;

13          (d) Kauai is the island of Kauai;

14          (e) Kona is the north Kona and south Kona districts on the  
15          island of Hawaii, as designated by the State of Hawaii  
16          tax map;

17          (f) Maui is the island of Maui;

18          (g) Molokai is the island of Molokai; and

19          (h) Oahu is the island of Oahu.

20          "Green coffee" means the agricultural commodity comprised  
21 of green coffee beans.



1       "Natural coffee" means coffee which has been processed from  
2 cherry coffee that has been dried with the husk on, or coffee  
3 which has been processed from parchment coffee with adhering  
4 mucilage.

5       "Parchment coffee" means the dried product that remains  
6 when coffee cherries are processed by removing the coffee seeds  
7 from the pulp."

8       SECTION 3. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11       SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13       SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Hawaii-Grown Coffee; False Labeling

**Description:**

Applies the offense of false labeling of Hawaii-grown coffee to include grades and standards violations and coffee in all stages of production. Effective July 1, 2050. (HB2361 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

