
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§708- False labeling of Hawaii-grown coffee. (1) A
5 person commits the offense of false labeling of Hawaii-grown
6 coffee if the person knowingly transports, distributes,
7 advertises, sells, or possesses with the intent to sell Hawaii-
8 grown green coffee, cherry coffee, or parchment coffee that is
9 falsely labeled with regard to the geographic origin of the
10 Hawaii-grown coffee.

11 (2) For purposes of this section:

12 "Cherry coffee" means the unprocessed fruit of the coffee
13 plant.

14 "Geographic origin" means the geographic areas designated
15 as follows:

16 (a) Hamakua is the Hamakua district on the island of
17 Hawaii, as designated by the State of Hawaii tax map;

18 (b) Hawaii is the State of Hawaii;



- 1 (c) Kau is the Kau district on the island of Hawaii, as
- 2 designated by the State of Hawaii tax map;
- 3 (d) Kauai is the island of Kauai;
- 4 (e) Kona is the north Kona and south Kona districts on the
- 5 island of Hawaii, as designated by the State of Hawaii
- 6 tax map;
- 7 (f) Maui is the island of Maui;
- 8 (g) Molokai is the island of Molokai; and
- 9 (h) Oahu is the island of Oahu.

10 "Green coffee" means the agricultural commodity comprised
11 of green coffee beans.

12 "Parchment coffee" means the dried product that remains
13 when coffee cherries are processed by removing the coffee seeds
14 from the pulp.

15 (3) False labeling of Hawaii-grown coffee is a class C
16 felony."

17 SECTION 2. Section 147-2, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§147-2 Duties of department; violations; proceedings;**
20 **penalties.** The department shall administer and enforce this
21 part and rules adopted by the department pursuant thereto.



1 The following penalties, remedies, procedures, and actions
2 shall apply in instances of violations and complaints of
3 violations of this part, or of the rules adopted by the
4 department under the authority of this part:

- 5 (1) Administrative penalty. The department may, after
6 notice and opportunity for hearing, fine any person
7 who violates this part or any rule adopted under this
8 part, not more than \$1,000 for each separate offense.
9 Each day or instance of violation shall constitute a
10 separate offense. Any action taken to impose or
11 collect the penalty provided for in this paragraph
12 shall be considered a civil action;
- 13 (2) Nuisance may be enjoined, abated. Violation of this
14 part or of any rule adopted thereunder is declared a
15 public nuisance and may be enjoined or abated as such
16 in a suit filed and prosecuted in the circuit court by
17 the department or the attorney general. The several
18 circuit courts are hereby vested with jurisdiction to
19 prevent and restrain violation of this part or of any
20 rule effective thereunder;
- 21 (3) Misdemeanor. Any person who violates this part or any
22 rule adopted under this part shall be fined not more



- 1 than \$1,000 or imprisoned not more than one year, or
2 both;
- 3 (4) The penalties and remedies prescribed in this section
4 with respect to any violation mentioned in this
5 section shall be concurrent and alternative and
6 neither singly nor combined shall the same be
7 exclusive and either singly or combined the same shall
8 be cumulative with any and all other civil, criminal,
9 or alternative rights, remedies, or penalties provided
10 or allowed by law with respect to any such
11 violation[-]; and
- 12 (5) Nothing in this section shall prohibit the county
13 police departments and county prosecutors or state law
14 enforcement agencies from investigating and enforcing
15 criminal violations of this chapter."

16 SECTION 3. Section 147-4, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§147-4 Rules.** The department may make rules, subject to
19 chapter 91:

- 20 (1) Defining grades and grade labeling requirements of
21 agricultural commodities and standard containers for
22 packing of particular agricultural commodities;



- 1 (2) Prohibiting the sale, offering for sale, or
2 transportation of agricultural commodities unless
3 packed in standard containers and labeled with the
4 appropriate grade or offgrade designation; provided
5 that this prohibition shall not apply to the sale,
6 offering for sale, or transportation to a plant for
7 grading, packing, or processing, or transportation to
8 a warehouse for storage;
- 9 (3) Prohibiting the use of grade terms or abbreviations of
10 grade terms on agricultural commodities for which no
11 grades have been established under this part;
- 12 (4) Defining "suitable shipping condition" for
13 agricultural commodities which are to be shipped for
14 sale from one island to another within the State or to
15 points outside the State, and prohibiting such
16 shipment for sale of agricultural commodities which do
17 not meet the minimum standards set for "suitable
18 shipping condition";
- 19 (5) Prescribing records to be kept in connection with
20 purchases of agricultural commodities by persons,
21 other than produce dealers purchasing from a producer
22 or producers, for purposes of resale five or more tons



1 of agricultural commodities during any one calendar
2 month; [~~and~~]

3 (6) Prescribing records to be kept by produce dealers in
4 connection with the purchase, sale, transport for
5 sale, solicitation, or negotiation of sale with
6 respect to an agricultural commodity[~~-~~]; and

7 (7) Relating to the inspection and documentation of the
8 geographic origin of Hawaii-grown green coffee beans.

9 In making the rules the department shall take into account,
10 among other things, the factors of maturity, condition,
11 soundness, color, shape, size, and freedom from defects of the
12 agricultural commodity in question and shall also take into
13 consideration the official standards, grades or classifications
14 adopted by the secretary of the Department of Agriculture of the
15 United States, commonly known as U.S. Grades."

16 SECTION 4. Section 147-7, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§147-7 Inspection and classification of agricultural**
19 **commodities; fees.** (a) The department may contract with the
20 United States Department of Agriculture for obtaining the
21 services of a supervising inspector employed by the federal
22 department and the establishment of a cooperative inspection



1 service with the United States government. The department, or
2 the supervising inspector[7] with the approval of the
3 department, may designate any competent employee or agent of the
4 department as an inspector to inspect or classify agricultural
5 commodities in accordance with rules of the department, and at
6 the time and places designated by the supervising inspector or
7 the department.

8 (b) The inspectors shall be authorized to inspect or
9 classify agricultural commodities at the request of persons
10 having a financial interest in the commodities[~~, or as mandated~~
11 ~~by subsection (d),~~] and to ascertain and certify to the persons
12 the grade, classification, quality, condition, or origin of them
13 and other pertinent facts.

14 (c) The department may fix, assess, and collect or cause
15 to be collected fees for the services when they are performed by
16 employees of the department. The fees shall be on a uniform
17 basis and in an amount reasonably necessary to cover the cost of
18 inspection and the administration of this part; provided that
19 the department may prescribe a reasonable charge for traveling
20 expenses and extraordinary services when the performance of the
21 services involves unusual cost in their performance. No fee
22 shall be charged for an inspection unless the inspection was



1 requested by a person having a financial interest in the
2 inspected commodity [~~or the inspection was mandated by~~
3 ~~subsection (d).~~

4 ~~(d) All Hawaii grown green coffee beans shall be inspected~~
5 ~~and certified by the department for grade and origin unless~~
6 ~~otherwise specified by rules of the department].~~

7 [~~e~~] (d) The department may adopt rules establishing the
8 requirements, procedures, restrictions, and other criteria
9 necessary for establishing a program of self inspection and
10 certification of agricultural commodities."

11 SECTION 5. Section 147-23, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§147-23 Prohibited acts.** (a) No commercial exporter
14 shall ship any fresh or processed agricultural commodities to
15 points outside the State unless such products meet the quality,
16 condition, and labeling requirements of the rules adopted under
17 this part.

18 (b) No Hawaii-grown [~~green~~] coffee beans shall be shipped
19 outside the area of their geographic origin to any point within
20 the State or outside the State unless [~~they have~~] the coffee
21 bean package containing the beans has been [inspected and
22 certified as required in section 147-7(d) or by rules adopted



1 ~~under section [147 7(e)]. Areas of geographic origin shall be~~
2 ~~defined by rules of the department.]~~ marked with or contains
3 documentation of geographic origin approved by the department."

4 SECTION 6. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 7. If any provision of this Act, or the
8 application thereof to any person or circumstance, is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the Act that can be given effect without the
11 invalid provision or application, and to this end the provisions
12 of this Act are severable.

13 SECTION 8. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Agriculture; Hawaii-grown Coffee; Penal Code

Description:

Makes the offense of false labeling as to the geographic origin of Hawaii-grown coffee a class C felony. Authorizes the department of agriculture to adopt administrative rules relating to the inspection and documentation of the geographic origin of Hawaii-grown green coffee beans. Removes the requirement that all Hawaii-grown green coffee beans shall be inspected and certified by the Department of Agriculture unless otherwise specified by rules of the Department. Requires that no Hawaii-grown coffee beans shall be shipped outside the area of their geographic origin unless they have been marked with or contain documentation of geographic origin approved by the department of agriculture. (HB280 CD1)

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

