

---

## 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, which established  
10 criminal penalties for Hawaii-grown cherry, parchment, and green  
11 coffee that is falsely labeled with regard to the geographic  
12 origin. However, in addition to the geographic origin, stricter  
13 enforcement on the labeling restrictions based on the quality of  
14 the coffee being sold is critical to prevent further  
15 counterfeiting of Hawaii's recognized high quality coffee.  
16 Furthermore, the criminal penalties for false labeling should  
17 apply not only to cherry, parchment, and green coffee, but also  
18 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 all stages of coffee production.

4           SECTION 2. Section 708-871.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "[+]§708-871.5[+] False labeling of Hawaii-grown coffee.

7           (1) A person commits the offense of false labeling of Hawaii-  
8 grown coffee if the person knowingly transports, distributes,  
9 advertises, sells, or possesses with the intent to sell Hawaii-  
10 grown [green] coffee [~~, cherry coffee, or parchment coffee~~] that  
11 is falsely labeled with regard to the geographic origin of the  
12 Hawaii-grown coffee or the grade standard requirements of rules  
13 adopted under chapter 147.

14           (2) For purposes of this section:

15           [~~"Cherry coffee" means the unprocessed fruit of the coffee~~  
16 ~~plant.~~]

17           "Geographic origin" means the geographic areas designated  
18 as follows:

- 19           (a) Hamakua is the Hamakua district on the island of  
20           Hawaii, as designated by the State of Hawaii tax map;  
21           (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 3. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:

*[Signature]*

*[Signature]*

Tom Brun

Nicole E. Loren

*[Signature]*

Cindy Evans

*[Signature]*

*[Signature]*

Jakestin Orr

*[Signature]*

*[Signature]*

JAN 22 2014



# H.B. NO. 2361

**Report Title:**

Hawaii-Grown Coffee; False Labeling

**Description:**

Applies the offense of false labeling of Hawaii-grown coffee to include grade standard violations and all stages of production of Hawaii-grown coffee.

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

