
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 147, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§147- Agricultural commodities; labeling requirements;
5 penalties. (a) Retailers, distributors, farmers, producers,
6 and producer-distributors that sell agricultural commodities for
7 purchase or consumption by consumers shall be subject to
8 labeling requirements pursuant to law or adopted by the board of
9 agriculture through rules.
10 (b) No later than July 1, 2015, the board of agriculture
11 shall adopt rules in accordance with chapter 91 to implement
12 this section. Beginning on July 1, 2015, labeling requirements
13 of all agricultural commodities shall be determined by the board
14 through rules adopted pursuant to chapter 91.
15 (c) Any person who violates this section or rules adopted
16 pursuant to this section shall be subject to penalties under
17 section 147-2."



1 SECTION 2. Section 147-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§147-4 Rules.** The department may make rules, subject to
4 chapter 91:

- 5 (1) Defining grades and grade labeling requirements of
6 agricultural commodities and standard containers for
7 packing of particular agricultural commodities;
- 8 (2) Prohibiting the sale, offering for sale, or
9 transportation of agricultural commodities unless
10 packed in standard containers and labeled with the
11 appropriate grade or offgrade designation; provided
12 that this prohibition shall not apply to the sale,
13 offering for sale, or transportation to a plant for
14 grading, packing, or processing, or transportation to
15 a warehouse for storage;
- 16 (3) Prohibiting the use of grade terms or abbreviations of
17 grade terms on agricultural commodities for which no
18 grades have been established under this part;
- 19 (4) Defining "suitable shipping condition" for
20 agricultural commodities which are to be shipped for
21 sale from one island to another within the State or to
22 points outside the State, and prohibiting such



1 shipment for sale of agricultural commodities which do
2 not meet the minimum standards set for "suitable
3 shipping condition";

4 (5) Prescribing records to be kept in connection with
5 purchases of agricultural commodities by persons,
6 other than produce dealers purchasing from a producer
7 or producers, for purposes of resale five or more tons
8 of agricultural commodities during any one calendar
9 month;

10 (6) Prescribing records to be kept by produce dealers in
11 connection with the purchase, sale, transport for
12 sale, solicitation, or negotiation of sale with
13 respect to an agricultural commodity; ~~and~~

14 (7) Relating to the inspection and documentation of the
15 geographic origin of Hawaii-grown green coffee
16 beans[-]; and

17 (8) Beginning July 1, 2015, defining labeling requirements
18 of all agricultural commodities.

19 In making the rules the department shall take into account,
20 among other things, the factors of maturity, condition,
21 soundness, color, shape, size, and freedom from defects of the
22 agricultural commodity in question ~~[and shall also take into~~



1 ~~consideration~~]; the official standards, grades, or
2 classifications adopted by the secretary of the Department of
3 Agriculture of the United States, commonly known as U.S.
4 Grades[-]; the geographic origin of the agricultural commodities
5 or any portion thereof; and the accuracy or completeness of and
6 implications reasonably created by any labeling of agricultural
7 commodities regarding quality, official standards, grades,
8 classifications, or geographic origin."

9 SECTION 3. Section 486-120.5, Hawaii Revised Statutes, is
10 repealed.

11 ~~["**486-120.5 Macadamia nuts, labeling requirements.** (a)~~
12 ~~If a label on a consumer package contains language that all of~~
13 ~~the raw or processed macadamia nuts contained in the package~~
14 ~~were grown in Hawaii, the label shall be worded, "100% Hawaii-~~
15 ~~Crown Macadamia Nuts", "Hawaii Crown Macadamia Nuts", "100%~~
16 ~~Hawaiian Macadamia Nuts", or "Hawaiian Macadamia Nuts", and~~
17 ~~shall appear on the principal display panel of the package.~~

18 ~~(b) If a label on a consumer package contains language~~
19 ~~that a portion of the raw or processed macadamia nuts contained~~
20 ~~in the package was grown in Hawaii, the label shall be worded~~
21 ~~"Hawaii Crown Macadamia Nuts", preceded by the per cent by~~
22 ~~weight of the macadamia nuts contained in the package that were~~



1 ~~grown in Hawaii, and shall appear on the principal display panel~~
2 ~~of the package. The per cent by weight of the macadamia nuts in~~
3 ~~the package shall be the percentage calculated by dividing the~~
4 ~~weight in pounds of the macadamia nuts grown in Hawaii that are~~
5 ~~in the package by the weight in pounds of all macadamia nuts in~~
6 ~~the package and multiplying the quotient by one hundred.~~

7 ~~(c) All nonconsumer packages containing macadamia nuts~~
8 ~~grown in the State and introduced into intrastate or interstate~~
9 ~~commerce shall bear on the package a label containing language~~
10 ~~that the package contains Hawaii grown macadamia nuts. This~~
11 ~~label shall be in addition to all other labeling requirements~~
12 ~~specified in this chapter.~~

13 ~~(d) Any person keeping, offering, displaying, exposing for~~
14 ~~sale, or soliciting for sale, any raw or processed macadamia nut~~
15 ~~product, which represents or which is branded or labeled that~~
16 ~~all or a percentage or portion of the macadamia nuts were grown~~
17 ~~in Hawaii, shall make available to the administrator, upon~~
18 ~~demand, documented proof that the amount of macadamia nuts~~
19 ~~represented to be grown in the State, was grown in the State.~~

20 ~~(e) It shall be a violation of this part:~~

21 ~~(1) To use a label containing the words, "100% Hawaii-~~

22 ~~Grown Macadamia Nuts", "Hawaii Grown Macadamia Nuts",~~



1 ~~"100% Hawaiian Macadamia Nuts", or "Hawaiian Macadamia~~
 2 ~~Nuts", or similar wording, or to otherwise represent~~
 3 ~~that all of the macadamia nuts in the package were~~
 4 ~~grown in Hawaii, if any portion of the macadamia nuts~~
 5 ~~contained in the package was not grown in the State;~~
 6 ~~(2) To use a label, as provided for under subsection (b),~~
 7 ~~containing the words "Hawaii-Crown Macadamia Nuts"~~
 8 ~~preceded by a percentage, if less than the specified~~
 9 ~~percentage or none of the macadamia nuts in the~~
 10 ~~package was grown in the State; or~~
 11 ~~(3) To use a label representing that any of the macadamia~~
 12 ~~nuts contained in the package was grown in the State,~~
 13 ~~if none of the macadamia nuts contained in the package~~
 14 ~~was grown in the State.~~
 15 ~~(f) Any person who violates this section shall be subject~~
 16 ~~to penalties under section 486-32."]~~

17 SECTION 4. Section 486-120.6, Hawaii Revised Statutes, is
 18 repealed.

19 [~~§486-120.6 Hawaii-grown roasted or instant coffee,~~
 20 ~~labeling requirements.~~ (a) In addition to all other labeling
 21 requirements, the identity statement used for labeling or
 22 advertising roasted or instant coffee produced in whole or in



1 ~~part from Hawaii grown green coffee beans shall meet the~~
2 ~~following requirements:~~

3 ~~(1) For roasted or instant coffee that contains one~~
4 ~~hundred per cent Hawaii grown coffee by weight the~~
5 ~~identity statement shall consist of either:~~

6 ~~(A) The geographic origin of the Hawaii grown coffee,~~
7 ~~in coffee consisting of beans from only one~~
8 ~~geographic origin, followed by the word "Coffee",~~
9 ~~provided that the geographic origin may be~~
10 ~~immediately preceded by the term "100%", or~~

11 ~~(B) The per cent coffee by weight of one of the~~
12 ~~Hawaii grown coffees, used in coffee consisting~~
13 ~~of beans from several geographic origins,~~
14 ~~followed by the geographic origin of the weight~~
15 ~~specified coffee and the terms "Coffee" and "All~~
16 ~~Hawaiian",~~

17 ~~(2) For roasted or instant coffee consisting of a blend of~~
18 ~~one or more Hawaii grown coffees and coffee not grown~~
19 ~~in Hawaii, the per cent coffee by weight of one of the~~
20 ~~Hawaii grown coffees used in the blend, followed by~~
21 ~~the geographic origin of the weight specified coffee~~
22 ~~and the term "Coffee Blend", and~~



1 ~~(3) Each word or character in the identity statement shall~~
2 ~~be of the same type size and shall be contiguous. The~~
3 ~~smallest letter or character of the identity statement~~
4 ~~on packages of sixteen ounces or less net weight shall~~
5 ~~be at least one and one-half times the type size~~
6 ~~required under federal law for the statement of net~~
7 ~~weight or three sixteenths of an inch in height,~~
8 ~~whichever is smaller. The smallest letter or~~
9 ~~character of the identity statement on packages of~~
10 ~~greater than sixteen ounces net weight shall be at~~
11 ~~least one and one-half times the type size required~~
12 ~~under federal law for the statement of net weight.~~
13 ~~The identity statement shall be conspicuously~~
14 ~~displayed without any intervening material in a~~
15 ~~position above the statement of net weight. Upper and~~
16 ~~lower case letters may be used interchangeably in the~~
17 ~~identity statement.~~

18 ~~(b) A listing of the geographic origins of the various~~
19 ~~Hawaii grown coffees and the regional origins of the various~~
20 ~~coffees not grown in Hawaii that are included in a blend may be~~
21 ~~shown on the label. If used, this list shall consist of the~~
22 ~~term "Contains:", followed by, in descending order of per cent~~



1 ~~by weight and separated by commas, the respective geographic~~
 2 ~~origin or regional origin of the various coffees in the blend~~
 3 ~~that the manufacturer chooses to list. Each geographic origin~~
 4 ~~or regional origin may be preceded by the per cent of coffee by~~
 5 ~~weight represented by that geographic origin or regional origin,~~
 6 ~~expressed as a number followed by the per cent sign. The type~~
 7 ~~size used for this list shall not exceed half that of the~~
 8 ~~identity statement. This list shall appear below the identity~~
 9 ~~statement, if included on the front panel of the label.~~

10 ~~(c) It shall be a violation of this section to:~~

11 ~~(1) Use the identity statement specified in subsection~~

12 ~~(a) (1) (A) or similar terms in labeling or advertising~~
 13 ~~unless the package of roasted or instant coffee~~
 14 ~~contains one hundred per cent coffee from that one~~
 15 ~~geographic origin;~~

16 ~~(2) Use a geographic origin in labeling or advertising,~~
 17 ~~including in conjunction with a coffee style or in any~~
 18 ~~other manner, if the roasted or instant coffee~~
 19 ~~contains less than ten per cent coffee by weight from~~
 20 ~~that geographic origin;~~

21 ~~(3) Use a geographic origin in advertising roasted or~~
 22 ~~instant coffee, including advertising in conjunction~~



1 ~~with a coffee style or in any other manner, without~~
2 ~~disclosing the percentage of coffee used from that~~
3 ~~geographic origin as described in subsection (a)(1)(B)~~
4 ~~and (a)(2);~~

5 ~~(4) Use a geographic origin in labeling or advertising~~
6 ~~roasted or instant coffee, including in conjunction~~
7 ~~with a coffee style or in any other manner, if the~~
8 ~~green coffee beans used in that roasted or instant~~
9 ~~coffee do not meet the grade standard requirements of~~
10 ~~rules adopted under chapter 147;~~

11 ~~(5) Misrepresent, on a label or in advertising of a~~
12 ~~roasted or instant coffee, the per cent coffee by~~
13 ~~weight of any coffee from a geographic origin or~~
14 ~~regional origin;~~

15 ~~(6) Use the term "All Hawaiian" on a label or in~~
16 ~~advertising of a roasted or instant coffee if the~~
17 ~~roasted or instant coffee is not produced entirely~~
18 ~~from green coffee beans produced in geographic origins~~
19 ~~defined in this chapter;~~

20 ~~(7) Use a geographic origin on the front label panel of a~~
21 ~~package of roasted or instant coffee other than in the~~
22 ~~trademark or in the identity statement as authorized~~



1 ~~in subsection (a) (1) and (2) unless one hundred per~~
2 ~~cent of the roasted or instant coffee contained in the~~
3 ~~package is from that geographic origin;~~
4 ~~(8) Use more than one trademark on a package of roasted or~~
5 ~~instant coffee unless one hundred per cent of the~~
6 ~~roasted or instant coffee contained in the package is~~
7 ~~from that geographic origin specified by the~~
8 ~~trademark;~~
9 ~~(9) Use a trademark that begins with the name of a~~
10 ~~geographic origin on a package of roasted or instant~~
11 ~~coffee unless one hundred per cent of the roasted or~~
12 ~~instant coffee contained in the package comes from~~
13 ~~that geographic origin or the trademark ends with~~
14 ~~words that indicate a business entity; or~~
15 ~~(10) Print the identity statement required by subsection~~
16 ~~(a) in a smaller font than that used for a trademark~~
17 ~~that includes the name of a geographic origin pursuant~~
18 ~~to paragraph (7) and in a location other than the~~
19 ~~front label panel of a package of roasted or instant~~
20 ~~coffee.~~
21 ~~(d) Roasters, manufacturers, or other persons who package~~
22 ~~roasted or instant coffee covered by this section shall~~



1 ~~maintain, for a period of two years, records on the volume and~~
2 ~~geographic origin or regional origin of coffees purchased and~~
3 ~~sold and any other records required by the department for the~~
4 ~~purpose of enforcing this section. Authorized employees of the~~
5 ~~department shall have access to these records during normal~~
6 ~~business hours.~~

7 ~~(e) For the purpose of this section:~~

8 ~~"Geographic origin" means the geographic regions in which~~
9 ~~Hawaii grown green coffee beans are produced, as defined in~~
10 ~~rules adopted under chapter 147, provided that the term~~
11 ~~"Hawaiian" may be substituted for the geographic origin~~
12 ~~"Hawaii".~~

13 ~~"Per cent coffee by weight" means the percentage calculated~~
14 ~~by dividing the weight in pounds of roasted green coffee beans~~
15 ~~of one geographic or regional origin used in a production run of~~
16 ~~roasted or instant coffee, by the total weight in pounds of the~~
17 ~~roasted green coffee beans used in that production run of~~
18 ~~roasted or instant coffee, and multiplying the quotient by one~~
19 ~~hundred."]~~

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



1 SECTION 6. This Act shall take effect upon its approval;
2 provided that sections 3 and 4 shall take effect on July 1,
3 2015.



Report Title:

Agricultural Commodities; Labeling Requirements; Board of
Agriculture

Description:

Requires the Board of Agriculture to create labeling
requirements for all agricultural commodities in Hawaii
beginning July 1, 2015. (Proposed SD1)

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not legislation or evidence of legislative intent.*

