

JAN 23 2014

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Hawaii-grown coffee is recognized for its high
2 quality and aromatic flavor. Hawaii-grown coffee is held to a
3 set of quality standards that makes it one of the most expensive
4 coffees in the world.

5 The 2011 Statistics of Hawaii Agriculture estimated the
6 value of Hawaii-grown coffee at \$31,540,000, and it was ranked
7 fifth of the top twenty agriculture 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 coffees that are falsely labeled with regard to geographic
12 origin. However, in addition to geographic origin, stricter
13 enforcement of labeling restrictions based on the quality of
14 coffee being sold is critical to prevent further counterfeiting
15 of Hawaii's recognized high quality coffee. Furthermore, the
16 criminal penalties for false labeling should apply not only to
17 cherry, parchment, and green coffees, but also to roasted
18 coffee.



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

3 "[+]§708-871.5[+] False labeling of Hawaii-grown coffee.

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

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;
- 19 (c) Kau is the Kau district on the island of Hawaii, as
20 designated by the State of Hawaii tax map;
- 21 (d) Kauai is the island of Kauai;



1 (e) Kona is the north Kona and south Kona districts on the
2 island of Hawaii, as designated by the State of Hawaii
3 tax map;

4 (f) Maui is the island of Maui;

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

6 (h) Oahu is the island of Oahu.

7 [~~"Green coffee" means the agricultural commodity comprised~~
8 ~~of green coffee beans.~~

9 ~~"Parchment coffee" means the dried product that remains~~
10 ~~when coffee cherries are processed by removing the coffee seeds~~
11 ~~from the pulp.]~~

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

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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

20

Maleme Jela

INTRODUCED BY:

[Signature]

Clarence K. Mishioka

Willie H. - [Signature]
Yiwei K. [Signature]



S.B. NO. 2913

Report Title:

Hawaii-Grown Coffee; Labeling Restrictions

Description:

Establishes further restrictions and criminal penalties on labeling Hawaii-grown coffee in order to prevent counterfeiting.

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