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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. 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, stricter enforcement  
9 of labeling restrictions based on the quality of coffee being  
10 sold is critical to prevent further counterfeiting of Hawaii's  
11 recognized high quality coffee.

12           SECTION 2. Section 486-32, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§486-32 Offenses and penalties.** (a) Criminal. [~~Any~~]  
15 Except as provided under section 486-120.6, any person who  
16 performs any one of the acts enumerated in this subsection shall  
17 be guilty of a misdemeanor:



- 1 (1) Use or have in possession a device or measure or  
2 measurement standard which has been altered to  
3 facilitate fraud;
- 4 (2) Counterfeit, or remove from any measure or measurement  
5 standard, any tag, seal, or mark placed thereon by the  
6 appropriate authority; or
- 7 (3) Manipulate in any manner the representation of the  
8 quantity of any commodity, thing, or service  
9 furnished, delivered, or provided to the unjust  
10 enrichment of the person.
- 11 (b) Civil. [~~Any~~] Except as provided under section 486-  
12 120.6, any person who performs any one of the acts enumerated in  
13 this subsection shall be fined not more than \$2,000 for each  
14 separate offense:
- 15 (1) Use, or have in possession for use in commerce an  
16 incorrect device, measure, or measurement standard;
- 17 (2) Dispose of any rejected or condemned measure or  
18 measurement standard in a manner contrary to law or  
19 rule;
- 20 (3) Sell, or offer or expose for sale, less than the  
21 quantity the person represents of any commodity,  
22 thing, or service;



1 (4) Keep for the purpose of sale, advertise, or offer or  
2 expose for sale, or sell any commodity, thing, or  
3 service in a condition or manner contrary to law or  
4 rule;

5 (5) Fail to submit a weighing or measuring device for  
6 inspection and testing at a time and place specified  
7 by the administrator; or

8 (6) Violate any provision of this chapter or any rules  
9 adopted under it for which a specific penalty has not  
10 been prescribed."

11 SECTION 3. Section 486-120.6, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§486-120.6 Hawaii-grown roasted or instant coffee;**  
14 **labeling requirements[-]; penalties.** (a) In addition to all  
15 other labeling requirements, the identity statement used for  
16 labeling or advertising roasted or instant coffee produced in  
17 whole or in part from Hawaii-grown green coffee beans shall meet  
18 the following requirements:

19 (1) For roasted or instant coffee that contains one  
20 hundred per cent Hawaii-grown coffee by weight the  
21 identity statement shall consist of either:



- 1 (A) The geographic origin of the Hawaii-grown coffee,  
2 in coffee consisting of beans from only one  
3 geographic origin, followed by the word "Coffee";  
4 provided that the geographic origin may be  
5 immediately preceded by the term "100%"; or
- 6 (B) The per cent coffee by weight of one of the  
7 Hawaii-grown coffees, used in coffee consisting  
8 of beans from several geographic origins,  
9 followed by the geographic origin of the weight-  
10 specified coffee and the terms "Coffee" and "All  
11 Hawaiian";
- 12 (2) For roasted or instant coffee consisting of a blend of  
13 one or more Hawaii-grown coffees and coffee not grown  
14 in Hawaii, the per cent coffee by weight of one of the  
15 Hawaii-grown coffees used in the blend, followed by  
16 the geographic origin of the weight-specified coffee  
17 and the term "Coffee Blend"; and
- 18 (3) Each word or character in the identity statement shall  
19 be of the same type size and shall be contiguous. The  
20 smallest letter or character of the identity statement  
21 on packages of sixteen ounces or less net weight shall  
22 be at least one and one-half times the type size



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

13 (b) A listing of the geographic origins of the various  
14 Hawaii-grown coffees and the regional origins of the various  
15 coffees not grown in Hawaii that are included in a blend may be  
16 shown on the label. If used, this list shall consist of the  
17 term "Contains:", followed by, in descending order of per cent  
18 by weight and separated by commas, the respective geographic  
19 origin or regional origin of the various coffees in the blend  
20 that the manufacturer chooses to list. Each geographic origin  
21 or regional origin may be preceded by the per cent of coffee by  
22 weight represented by that geographic origin or regional origin,



1 expressed as a number followed by the per cent sign. The type  
2 size used for this list shall not exceed half that of the  
3 identity statement. This list shall appear below the identity  
4 statement, if included on the front panel of the label.

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

6 (1) Use the identity statement specified in subsection

7 (a)(1)(A) or similar terms in labeling or advertising

8 unless the package of roasted or instant coffee

9 contains one hundred per cent coffee from that one

10 geographic origin;

11 (2) Use a geographic origin in labeling or advertising,

12 including in conjunction with a coffee style or in any

13 other manner, if the roasted or instant coffee

14 contains less than ten per cent coffee by weight from

15 that geographic origin;

16 (3) Use a geographic origin in advertising roasted or

17 instant coffee, including advertising in conjunction

18 with a coffee style or in any other manner, without

19 disclosing the percentage of coffee used from that

20 geographic origin as described in subsection (a)(1)(B)

21 and (a)(2);



- 1           (4) Use a geographic origin in labeling or advertising  
2           roasted or instant coffee, including in conjunction  
3           with a coffee style or in any other manner, if the  
4           green coffee beans used in that roasted or instant  
5           coffee do not meet the grade standard requirements of  
6           rules adopted under chapter 147;
- 7           (5) Misrepresent, on a label or in advertising of a  
8           roasted or instant coffee, the per cent coffee by  
9           weight of any coffee from a geographic origin or  
10          regional origin;
- 11          (6) Use the term "All Hawaiian" on a label or in  
12          advertising of a roasted or instant coffee if the  
13          roasted or instant coffee is not produced entirely  
14          from green coffee beans produced in geographic origins  
15          defined in this chapter;
- 16          (7) Use a geographic origin on the front label panel of a  
17          package of roasted or instant coffee other than in the  
18          trademark or in the identity statement as authorized  
19          in subsection (a)(1) and (2) unless one hundred per  
20          cent of the roasted or instant coffee contained in the  
21          package is from that geographic origin;

- 1 (8) Use more than one trademark on a package of roasted or  
2 instant coffee unless one hundred per cent of the  
3 roasted or instant coffee contained in the package is  
4 from that geographic origin specified by the  
5 trademark;
- 6 (9) Use a trademark that begins with the name of a  
7 geographic origin on a package of roasted or instant  
8 coffee unless one hundred per cent of the roasted or  
9 instant coffee contained in the package comes from  
10 that geographic origin or the trademark ends with  
11 words that indicate a business entity; or
- 12 (10) Print the identity statement required by subsection  
13 (a) in a smaller font than that used for a trademark  
14 that includes the name of a geographic origin pursuant  
15 to paragraph (7) and in a location other than the  
16 front label panel of a package of roasted or instant  
17 coffee.
- 18 (d) Any person convicted of a violation of this section  
19 for less than one hundred pounds of Hawaii-grown roasted or  
20 instant coffee shall be fined not more than:
- 21 (1) \$1,000 for a first violation;  
22 (2) \$5,000 for a second violation; and





1           (3) \$10,000 for a third violation;  
2 provided that any violation occurring more than ten years from  
3 the next preceding violation shall be deemed to be a first  
4 violation; provided further that any person who is convicted of  
5 a fourth or subsequent violation within ten years of having been  
6 penalized successively under paragraphs (1), (2), and (3), shall  
7 be fined not more than \$25,000.

8           Any person who is convicted of violating the requirements  
9 of this section for one hundred pounds or more of Hawaii-grown  
10 roasted or instant coffee shall be subject to the same penalty  
11 under section 708-871.5.

12           ~~[(d)]~~ (e) Roasters, manufacturers, or other persons who  
13 package roasted or instant coffee covered by this section shall  
14 maintain, for a period of two years, records on the volume and  
15 geographic origin or regional origin of coffees purchased and  
16 sold and any other records required by the department for the  
17 purpose of enforcing this section. Authorized employees of the  
18 department shall have access to these records during normal  
19 business hours.

20           ~~[(e)]~~ (f) For the purpose of this section:

21           "Geographic origin" means the geographic regions in which  
22 Hawaii-grown green coffee beans are produced, as defined in



1 rules adopted under chapter 147; provided that the term  
2 "Hawaiian" may be substituted for the geographic origin  
3 "Hawaii".

4 "Per cent coffee by weight" means the percentage calculated  
5 by dividing the weight in pounds of roasted green coffee beans  
6 of one geographic or regional origin used in a production run of  
7 roasted or instant coffee, by the total weight in pounds of the  
8 roasted green coffee beans used in that production run of  
9 roasted or instant coffee, and multiplying the quotient by one  
10 hundred."

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

14 SECTION 5. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on July 1, 2112.



**Report Title:**

Hawaii-grown Roasted Coffee; Hawaii-grown Instant Coffee

**Description:**

Specifies various penalties for the false labeling of Hawaii-grown roasted or instant coffee. (SB2913 HD1)

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

