

STAND. COM. REP. NO. 3199

Honolulu, Hawaii

MAR 29 2016

RE: S.C.R. No. 129

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred S.C.R. No. 129 entitled:

"SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF AGRICULTURE TO ADOPT STANDARDS ESTABLISHED BY THE TEA INDUSTRY TO DEFINE GEOGRAPHICAL REGION DESIGNATIONS FOR TEA GROWN IN THE STATE,"

begs leave to report as follows:

The purpose and intent of this measure is to encourage the Department of Agriculture to adopt standards established by the tea industry to define geographical region designations for tea grown in the State.

Your Committee received testimony in support of this measure from Hawaii Farmers Union United; Hawaii Tea Society; Tea of the United States Awards; Aloha Food Forest, LLC; Matcha Latte Media KK; Onomea Tea Company; and nine individuals. Your Committee received comments on this measure from the Department of Agriculture.

According to testimony submitted to your Committee, geographic indications are defined by the World Trade Organization as originating in the region or locality in that territory where a given quality, reputation, or other characteristics of the product are essentially attributable to the product's geographic origin, such as "Idaho" for potatoes. Geographic indications can be considered as a subset of trademarks. A geographic name alone is not able to be registered as a trademark; however, when used with an acquired distinctiveness, it can be registered as a

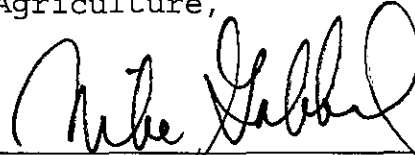


certification mark under the United States Patent and Trademark Office. The certification mark is used to inform purchasers that the goods meet certain qualifications or standards certified by someone other than the producer.

Your Committee notes that tea is not currently defined as an agricultural commodity under chapter 147, Hawaii Revised Statutes; thus, the Department of Agriculture has testified that if the intent is to require the Department to adopt standards to define geographic region as a certification mark, similar to Hawaii-grown coffee, the Department does not have the authority to do so.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 129 and recommends that it be referred to your Committee on Commerce, Consumer Protection, and Health.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, and  
Agriculture,



---

MIKE GABBARD, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water, Land, and Agriculture**  
**WLA**

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 129	WLA, CPH	3-28-16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
NISHIHARA, Clarence K. (VC)	/			
DELA CRUZ, Donovan M.				/
RIVIERE, Gil	/			
RUDERMAN, Russell E.	/			
SHIMABUKURO, Maile S.L.				/
THIELEN, Laura H.				/
WAKAI, Glenn	/			
SLOM, Sam				/
<b>TOTAL</b>	5			4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Clarence K. Nishihara</i></div>				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes