

JAN 23 2020

A BILL FOR AN ACT

RELATING TO IMPORTATION OF UNROASTED COFFEE INTO HAWAII.

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

1 SECTION 1. The legislature finds that prior to 1998,
2 Hawaii allowed the entry of unroasted coffee into the State from
3 the United States mainland if it had been fumigated with methyl
4 bromide to lessen the risks of introduction of coffee pests into
5 Hawaii. In 1998, The United States Department of Agriculture
6 (USDA) enacted 7 CFR 319.73-2, a regulation banning the
7 importation of unroasted coffee into two United States regions
8 that commercially grow coffee, Hawaii and Puerto Rico. In 2005,
9 the USDA considered a formal request from the State that the
10 federal regulation be modified to permit the importation of
11 methyl bromide-fumigated unroasted coffee into Hawaii. In 2006,
12 the USDA advised the department of agriculture that the
13 requested modification of the regulation would not be adopted
14 because of significant risk of the introduction of coffee berry
15 borers, coffee rust, and other coffee-related pests and diseases
16 if entry into Hawaii of methyl bromide-fumigated unroasted
17 coffee were permitted. From 2006 and thereafter,



1 notwithstanding the USDA's denial of Hawaii's requested
2 modification of the regulation on unroasted coffee, the State
3 has continued to allow entry of methyl bromide-fumigated
4 unroasted coffee. In 2010, validating the concerns of USDA
5 scientists, the coffee berry borer was discovered to have been
6 introduced into Hawaii, with devastating economic impacts on
7 Hawaii coffee farmers in the years since.

8 The legislature further finds that with the continuing
9 entry of methyl bromide-fumigated unroasted coffee into the
10 State, Hawaii's coffee farmers also face the significant risk,
11 identified in 2006 by USDA scientists, that coffee rust will be
12 introduced into Hawaii. The negative economic impact on Hawaii
13 coffee farmers of coffee rust would be even greater than that
14 already suffered from coffee berry borers.

15 The purpose of this Act is to prohibit the importation of
16 unroasted coffee into the State and authorize the department of
17 agriculture to adopt rules to allow for the importation of
18 partially roasted coffee into the State.

19 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§150A- Partially roasted coffee; import. The
2 department may adopt rules pursuant to chapter 91 establishing
3 the requirements, procedures, restrictions, and other criteria
4 necessary for the importation into the State of partially
5 roasted coffee."

6 SECTION 3. Section 150A-6, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§150A-6 Soil, plants, animals, etc., importation or**
9 **possession prohibited.** No person shall transport, receive for
10 transport, or cause to be transported to the State, for the
11 purpose of debarkation or entry thereinto, any of the following:

12 (1) Soil; provided that limited quantities of soil may be
13 imported into the State for experimental or other
14 scientific purposes under permit with conditions
15 prescribed by the department;

16 (2) Rocks, plants, plant products, or any article with
17 soil adhering thereto;

18 (3) Any live snake, flying fox, fruit bat, Gila monster,
19 injurious insect, or eels of the order Anguilliformes,
20 or any other animal, plant, or microorganism in any
21 stage of development that is detrimental or



1 potentially harmful to agriculture, horticulture,
2 animal or public health, or natural resources,
3 including native biota, or has an adverse effect on
4 the environment as determined by the board, except, as
5 provided in this chapter and provided that,
6 notwithstanding the list of animals prohibited entry
7 into the State, the department may bring into and
8 maintain in the State four live, sterile brown tree
9 snakes of the male sex for the purpose of research or
10 training of snake detector dogs, and, further, that a
11 government agency may bring into and maintain in the
12 State not more than two live, nonvenomous snakes of
13 the male sex solely for the purpose of exhibition in a
14 government zoo, but only after:

15 (A) The board is presented with satisfactory evidence
16 that the sex of the snakes was established to be
17 male prior to the shipment; and

18 (B) The board gives written approval conditioned upon
19 such terms as the board may deem necessary, which
20 terms shall include measures to assure the
21 prevention of escape, continuing supervision and



1 control by the board with respect to any
 2 department import under this paragraph, and the
 3 manner in which the snakes shall be disposed of
 4 or destroyed.

5 In case of the death of one or more snakes, the
 6 department or government agency may import and
 7 maintain replacements subject to the conditions
 8 described in this paragraph; ~~and~~

9 (4) Any live or dead honey bees, or used bee equipment
 10 that is not certified by the department to be free of
 11 pests; provided that nothing in this paragraph shall
 12 be construed to prohibit the importation of bee
 13 semen[-]; and

14 (5) Any unroasted coffee seeds or beans."

15 SECTION 3. Section 150A-14, Hawaii Revised Statutes, is
 16 amended by amending subsection (c) to read as follows:

17 "(c) Any person who:

18 (1) Violates section 150A-6(3) or 150A-6(4), or owns or
 19 intentionally transports, possesses, harbors,
 20 transfers, or causes the importation of any snake or
 21 other prohibited animal seized under section 150A-



1 7(b), or whose violation involves an animal that is
2 prohibited or a plant, animal, or microorganism that
3 is restricted, without a permit, shall be guilty of a
4 misdemeanor and subject to a fine of not less than
5 \$5,000, but not more than \$20,000;

6 (2) Intentionally transports, harbors, or imports with the
7 intent to propagate, sell, or release any animal that
8 is prohibited or any plant, animal, or microorganism
9 that is restricted, without a permit, shall be guilty
10 of a class C felony and subject to a fine of not less
11 than \$50,000, but not more than \$200,000; [~~or~~]

12 (3) Intentionally imports, possesses, harbors, transfers,
13 or transports, including through interisland or
14 intraisland movement, with the intent to propagate,
15 sell, or release, any pest designated by statute or
16 rule, unless otherwise allowed by law, shall be guilty
17 of a class C felony and subject to a fine of not less
18 than \$50,000, but not more than \$200,000[~~-~~]; or

19 (4) Violates section 150A-6(5) shall be guilty of a class
20 C felony and subject to a fine of not less than
21 \$50,000, but not more than \$200,000."



S.B. NO. 2956

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

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

SECTION 6. This Act shall take effect on July 1, 2021.

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S.B. NO. 2956

Report Title:

Coffee; Import; Prohibition; Felony

Description:

Prohibits the importation of unroasted coffee into the State, makes it a class C felony, and imposes a fine for violation of the prohibition. Authorizes DOA to adopt rules to allow for the importation of partially roasted coffee into the State.

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