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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 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 natural,  
18 roasted, and instant coffees.



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,  
8 natural coffee, roasted coffee, or instant coffee that is  
9 falsely labeled with regard to [~~the geographic origin of the~~  
10 ~~Hawaii-grown coffee.~~]:

11 (a) The geographic origin of green coffee, cherry coffee,  
12 parchment coffee, natural coffee, roasted coffee, or  
13 instant coffee;

14 (b) The grade standard classification for Hawaii-grown  
15 coffee set forth in rules adopted pursuant to chapter  
16 147; or

17 (c) The use of a geographic origin in the labeling of  
18 roasted or instant coffee, if the green coffee beans  
19 used in the roasted or instant coffee do not meet the  
20 adopted rules regarding the grade standard  
21 classifications for Hawaii-grown coffee.

22 (2) For purposes of this section:



1 "Cherry coffee" means the unprocessed fruit of the coffee  
2 plant.

3 "Geographic origin" means the geographic areas designated  
4 as follows:

- 5 (a) Hamakua is the Hamakua district on the island of  
6 Hawaii, as designated by the State of Hawaii tax map;
- 7 (b) Hawaii is the State of Hawaii;
- 8 (c) Kau is the Kau district on the island of Hawaii, as  
9 designated by the State of Hawaii tax map;
- 10 (d) Kauai is the island of Kauai;
- 11 (e) Kona is the north Kona and south Kona districts on the  
12 island of Hawaii, as designated by the State of Hawaii  
13 tax map;
- 14 (f) Maui is the island of Maui;
- 15 (g) Molokai is the island of Molokai; and
- 16 (h) Oahu is the island of Oahu.

17 "Green coffee" means the agricultural commodity comprised  
18 of green coffee beans.

19 "Instant coffee" means a soluble coffee product derived  
20 from roasted coffee that is brewed and dehydrated.



1       "Natural coffee" means coffee that is processed from cherry  
2 coffee that was dried with the husk on or coffee that is  
3 processed from parchment coffee with adhering mucilage.

4       "Parchment coffee" means the dried product that remains  
5 when coffee cherries are processed by removing the coffee seeds  
6 from the pulp.

7       "Roasted coffee" means a coffee product, either whole bean  
8 or ground, derived from altering the physicochemical properties  
9 of green coffee or natural coffee by applying prolonged heat.

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

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

15       SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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



**Report Title:**

Hawaii-grown Coffee; Labeling Restrictions

**Description:**

Specifies the false labeling restrictions for the offense of false labeling of Hawaii-grown coffee; applies the labeling of natural, roasted, and instant coffees to the offense; and defines natural coffee, roasted coffee, and instant coffee.  
(SD1)

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