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# A BILL FOR AN ACT

RELATING TO COFFEE.

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

1 PART I

2 SECTION 1. The legislature finds that coffee is one of the  
3 largest agricultural crops in the State and is a highly valued  
4 commodity in Hawaii's economy. In 2020, coffee leaf rust was  
5 discovered for the first time in the State on Maui and Hawaii  
6 Island, and has now been detected on all major islands.  
7 Additionally, the coffee berry borer is a coffee pest that  
8 threatens coffee crops in Kona and throughout the State. These  
9 two pests threaten the viability of the State's entire coffee  
10 industry. Efforts to control coffee leaf rust and the coffee  
11 berry borer are critical to the coffee industry, and the State  
12 must continue to support these efforts.

13 The legislature also finds that assisting farmers  
14 financially in combating these pests encourages farmers to adapt  
15 to changing conditions and creates an incentive for farmers to  
16 adopt recommended pest management strategies, including  
17 application of the appropriate insecticides, fungicides, or



1 other treatments, as determined by the department of  
2 agriculture. Research shows that subsidizing the cost of pest  
3 treatment is an effective and necessary incentive to encourage  
4 farmers to adopt recommended pest management strategies.

5 The legislature further finds that, for over thirty years,  
6 Hawaii has been the only region in the world that statutorily  
7 regulates the uses of its geographic names, such as "Kona",  
8 "Maui", and "Kau", on labels of its specialty agricultural  
9 products but requires that only ten per cent of the product  
10 originate in the geographic area indicated. The low ten per  
11 cent requirement directly damages and degrades the reputation of  
12 world-famous Hawaii-grown coffees and inhibits the economic  
13 interests of Hawaii coffee farmers. The legislature notes that  
14 a 2018 publication entitled "Strengthening sustainable food  
15 systems through geographical indications: An analysis of  
16 economic impacts" by the Food and Agriculture Organization of  
17 the United Nations and the European Bank for Reconstruction and  
18 Development concluded, among other things, that Kona coffee  
19 "does not enjoy any strong protection of its name" from the  
20 State and, as a result, downstream stakeholders, rather than  
21 farmers, "reap the economic benefits of the fame of Kona."



1       The purpose of this Act is to support Hawaii's coffee  
2 growers by:

- 3       (1) Requiring disclosure on the label of coffee blends of  
4           the respective geographic and regional origins and per  
5           cent by weight of the blended coffees;
- 6       (2) Making it a violation to use a geographic origin in  
7           labeling or advertising for roasted or instant coffee  
8           blends that contain less than a certain percentage of  
9           coffee by weight from that geographic origin, phased  
10          in to a minimum of fifty-one per cent;
- 11       (3) Prohibiting use of the term "All Hawaiian" in labeling  
12          or advertising for roasted or instant coffee not  
13          produced entirely from green coffee beans grown and  
14          processed in Hawaii; and
- 15       (4) Appropriating funds to the department of agriculture  
16          for one full-time equivalent position to conduct  
17          inspections.

18                                    PART II

19       SECTION 2. Section 486-120.6, Hawaii Revised Statutes, is  
20 amended by amending subsections (b) and (c) to read as follows:



1           "(b) A listing of the geographic origins of the various  
2 Hawaii-grown coffees and the regional origins of the various  
3 coffees not grown in Hawaii that are included in a blend [~~may~~]  
4 shall be shown on the label. [~~If used, this~~] In place of  
5 separate listings of regional origins of coffee not grown in  
6 Hawaii in the blend, the list may include the words  
7 "Foreign-Grown Coffee" followed by the per cent of the coffee by  
8 weight in the blend. This list shall consist of the term  
9 "Contains:", followed by, in descending order of per cent by  
10 weight and separated by commas, the respective geographic origin  
11 or regional origin of the various coffees in the blend [~~that the~~  
12 manufacturer chooses to list]. Each geographic origin or  
13 regional origin [~~may~~] shall be preceded by the per cent of  
14 coffee by weight represented by that geographic origin or  
15 regional origin, expressed as a number followed by the per cent  
16 sign. The type size used for this list shall not [~~exceed~~] be  
17 less than half that of the identity statement. This list shall  
18 appear below the identity statement[~~, if included~~] on the front  
19 panel of the label.

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



1 (1) Use the identity statement specified in subsection  
2 (a)(1)(A) or similar terms in labeling or advertising  
3 unless the package of roasted or instant coffee  
4 contains one hundred per cent coffee from that one  
5 geographic origin;

6 (2) Use a geographic origin in labeling or advertising,  
7 including in conjunction with a coffee style or in any  
8 other manner, if [~~the roasted or instant coffee~~  
9 ~~contains less than ten per cent coffee by weight from~~  
10 ~~that geographic origin~~];

11 (A) During the period from July 1, 2022, through  
12 June 30, 2023, the roasted or instant coffee  
13 contains less than twenty per cent coffee by  
14 weight from that geographic origin;

15 (B) During the period from July 1, 2023, through  
16 June 30, 2024, the roasted or instant coffee  
17 contains less than thirty per cent coffee by  
18 weight from that geographic origin; and

19 (C) On or after July 1, 2024, the roasted or instant  
20 coffee contains less than fifty-one per cent  
21 coffee by weight from that geographic origin;



- 1           (3) Use a geographic origin in labeling or advertising
- 2           roasted or instant coffee, including advertising in
- 3           conjunction with a coffee style or in any other
- 4           manner, without disclosing the percentage of coffee
- 5           used from that geographic origin as described in
- 6           subsection (a) (1) (B) and (a) (2);
- 7           (4) Use a geographic origin in labeling or advertising
- 8           roasted or instant coffee, including in conjunction
- 9           with a coffee style or in any other manner, if the
- 10          green coffee beans used in that roasted or instant
- 11          coffee do not meet the grade standard requirements of
- 12          rules adopted under chapter 147;
- 13          (5) Misrepresent, on a label or in advertising of a
- 14          roasted or instant coffee, the per cent coffee by
- 15          weight of any coffee from a geographic origin or
- 16          regional origin[+] as defined in this chapter;
- 17          (6) Use the term "All Hawaiian" on a label or in
- 18          advertising of a roasted or instant coffee if the
- 19          roasted or instant coffee is not produced entirely
- 20          from green coffee beans [~~produced in geographic~~
- 21          ~~origins defined in this chapter;~~] grown in Hawaii;



- 1           (7) Use a geographic origin on the front label panel of a  
2           package of roasted or instant coffee other than in the  
3           trademark or in the identity statement as authorized  
4           in subsection (a)(1) and (2) unless one hundred per  
5           cent of the roasted or instant coffee contained in the  
6           package is from that geographic origin;
- 7           (8) Use more than one trademark on a package of roasted or  
8           instant coffee unless one hundred per cent of the  
9           roasted or instant coffee contained in the package is  
10          from that geographic origin specified by the  
11          trademark;
- 12          (9) Use a trademark that begins with the name of a  
13          geographic origin on a package of roasted or instant  
14          coffee unless one hundred per cent of the roasted or  
15          instant coffee contained in the package comes from  
16          that geographic origin or the trademark ends with  
17          words that indicate a business entity; or
- 18          (10) Print the identity statement required by subsection  
19          (a) in a smaller font than that used for a trademark  
20          that includes the name of a geographic origin pursuant  
21          to paragraph (7) and in a location other than the



1 front label panel of a package of roasted or instant  
2 coffee."

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so  
5 much thereof as may be necessary for fiscal year 2022-2023 for  
6 one full-time equivalent (1.0 FTE) position to conduct  
7 inspections.

8 The sum appropriated shall be expended by the department of  
9 agriculture for the purposes of this part.

10 PART III

11 SECTION 4. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so  
13 much thereof as may be necessary for fiscal year 2022-2023 for  
14 the pesticide subsidy program established by Act 105, Session  
15 Laws of Hawaii 2014, as amended by section 1 of Act 152, Session  
16 Laws of Hawaii 2015, as amended by section 2 of Act 65, Session  
17 Laws of Hawaii 2017, as amended by section 2 of Act 32, Session  
18 Laws of Hawaii 2018, as amended by section 43 of Act 111,  
19 Session Laws of Hawaii 2019, as amended by section 2 of Act 138,  
20 Session Laws of Hawaii 2021.





1           The sum appropriated shall be expended by the department of  
2 agriculture for the purposes of this part.

3                                   PART IV

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

6           SECTION 6. This Act shall take effect on July 1, 2050.

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**Report Title:**

Coffee Labeling; Blended Coffee; Percent of Coffee by Weight;  
Pesticide Subsidy Program; Appropriations

**Description:**

Requires coffee blend labels to disclose geographic and regional origins and percent by weight of the blended coffees. Prohibits using geographic origins of coffee in labeling or advertising for roasted or instant coffee that contains less than a certain percentage of coffee by weight from that geographic origin, phased in to a minimum of fifty-one percent after 7/1/2024. Prohibits use of the term "All Hawaiian" in labeling or advertising for roasted or instant coffee not produced entirely from green coffee beans grown in Hawaii. Appropriates moneys for the pesticide subsidy program and for one full-time equivalent position to conduct inspections. Effective 7/1/2050. (HD2)

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

