A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 The legislature finds that Hawaii-grown coffee SECTION 1. 2 is recognized for its high quality and aromatic flavor. 3 grown coffee is held to a set of high quality standards, which 4 makes it one of the most expensive coffees in the world. 5 According to Statistics of Hawaii Agriculture, the estimated 6 value of Hawaii-grown coffee in 2011 was \$31,540,000, ranking it 7 fifth in the top twenty agricultural 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 coffee that is falsely labeled with regard to the geographic 12 origin. However, in addition to the geographic origin, stricter 13 enforcement on the labeling restrictions based on the quality of 14 the coffee being sold is critical to prevent further 15 counterfeiting of Hawaii's recognized high quality coffee. 16 Furthermore, the criminal penalties for false labeling should apply not only to cherry, parchment, and green coffee, but also **17**

to roasted coffee.

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1 The purpose of this Act is to extend the offense of false 2 labeling of Hawaii-grown coffee to include violations of grade 3 standard requirements and all stages of coffee production. SECTION 2. Section 708-871.5, Hawaii Revised Statutes, is 4 5 amended to read as follows: "[+]§708-871.5[+] False labeling of Hawaii-grown coffee. 6 7 A person commits the offense of false labeling of Hawaiigrown coffee if the person knowingly transports, distributes, 8 9 advertises, sells, or possesses with the intent to sell Hawaii-10 grown [green] coffee[, cherry coffee, or parchment coffee] that 11 is falsely labeled with regard to the geographic origin of the Hawaii-grown coffee or the grade standard requirements of rules 12 13 adopted under chapter 147. 14 For purposes of this section: ["Cherry coffee" means the unprocessed fruit of the coffee 15 16 plant.] "Geographic origin" means the geographic areas designated 17 18 as follows: Hamakua is the Hamakua district on the island of 19 Hawaii, as designated by the State of Hawaii tax map;

Hawaii is the State of Hawaii;

HB LRB 14-0787.doc

(b)

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H.B. NO. 2361

1 Kau is the Kau district on the island of Hawaii, as (c) 2 designated by the State of Hawaii tax map; 3 Kauai is the island of Kauai; (d) 4 (e) Kona is the north Kona and south Kona districts on the 5 island of Hawaii, as designated by the State of Hawaii 6 tax map; 7 (f) Maui is the island of Maui; 8 Molokai is the island of Molokai; and (g) 9 (h) Oahu is the island of Oahu. **10** ["Green coffee" means the agricultural commodity comprised 11 of green coffee beans.] 12 ["Parchment coffee" means the dried product that remains 13 when coffee cherries are processed by removing the coffee seeds 14 from the pulp. 15 (3) False labeling of Hawaii-grown coffee is a class C 16 felony." 17 SECTION 3. This Act does not affect rights and duties that 18 matured, penalties that were incurred, and proceedings that were 19 begun before its effective date. SECTION 4. Statutory material to be repealed is bracketed 20

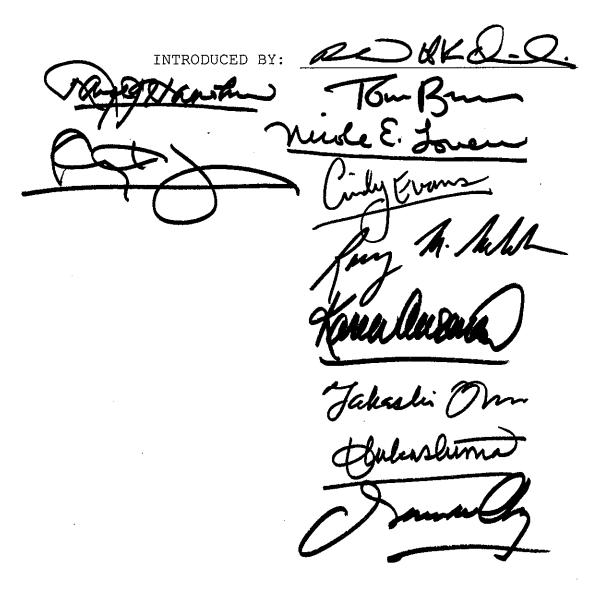
and stricken. New statutory material is underscored.

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

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JAN 2 2 2014

H.B. NO. 2361

Report Title:

Hawaii-Grown Coffee; False Labeling

Description:

Applies the offense of false labeling of Hawaii-grown coffee to include grade standard violations and all stages of production of Hawaii-grown coffee.

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