

JAN 21 2022

A BILL FOR AN ACT

RELATING TO COFFEE LABELING.

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

1 SECTION 1. The legislature finds that more than ninety per
2 cent of Hawai'i's coffee farms are located on the island of
3 Hawai'i. For more than twenty-five years, Hawai'i has been the
4 only region in the world that statutorily regulates the uses of
5 its geographic names, such as "Kona", "Maui", and "Ka'ū", on
6 labels of its specialty agricultural products. However, the
7 statute requires that only ten per cent of the product originate
8 in the geographic area indicated, which has directly damaged and
9 degraded the reputation of world-famous Hawai'i-grown coffees.

10 The legislature further finds that the State's restaurant
11 and food industry have high demand for locally produced and
12 processed coffee and may require additional time to adjust
13 business operations in response to changes in food and labeling
14 laws. The legislature also finds that adopting the tiered or
15 phased-in approach to increasing the existing statutory labeling
16 requirements, as provided by this Act, affords the restaurant
17 and food industry ample opportunity to plan and adjust business



1 operations in response to the new requirements, such as updating
2 marketing and labeling materials, and providing advance notice
3 to retailers and suppliers.

4 The purpose of this Act is to support Hawai'i's coffee
5 growers and local businesses by:

6 (1) Requiring disclosure on the label of coffee blends of
7 the respective regional origins and per cent by weight
8 of the blended coffees;

9 (2) Making it a violation of the coffee labeling law to
10 use a geographic origin in labeling or advertising for
11 roasted or instant coffee blends that contain less
12 than specified proportions, proportions which increase
13 annually by ten per cent until reaching the final
14 proportion of fifty-one per cent coffee by weight from
15 that geographic origin; and

16 (3) Appropriating moneys for inspection and detection
17 technologies to aid the department of agriculture in
18 the regulation of the authenticity of roasted Hawaii-
19 grown coffee.

20 SECTION 2. Section 486-120.6, Hawaii Revised Statutes, is
21 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 be
4 shown on the label. [~~If used, this~~] This list shall consist of
5 the term "Contains:", followed by, in descending order of per
6 cent by weight and separated by commas, the respective
7 geographic origin or regional origin of the various coffees in
8 the blend [~~that the manufacturer chooses to list~~]. Each
9 geographic origin or regional origin [~~may~~] shall be preceded by
10 the per cent of coffee by weight represented by that geographic
11 origin or regional origin, expressed as a number followed by the
12 per cent sign. The type size used for this list shall not
13 [~~exceed~~] be less than half that of the identity statement. This
14 list shall appear below the identity statement [~~, if included~~] on
15 the front panel of the label.

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

17 (1) Use the identity statement specified in subsection

18 (a) (1) (A) or similar terms in labeling or advertising

19 unless the package of roasted or instant coffee

20 contains one hundred per cent coffee from that one

21 geographic origin;



- 1 (2) Use a geographic origin in labeling or advertising,
2 including in conjunction with a coffee style or in any
3 other manner, if the roasted or instant coffee
4 contains less than [~~ten~~]:
- 5 (A) Ten per cent coffee by weight from that
6 geographic origin[+], for the year 2022;
- 7 (B) Twenty per cent coffee by weight from that
8 geographic origin, for the year 2023;
- 9 (C) Thirty per cent coffee by weight from that
10 geographic origin, for the year 2024;
- 11 (D) Forty per cent coffee by weight from that
12 geographic origin, for the year 2025; and
- 13 (E) Fifty-one per cent coffee by weight from that
14 geographic origin, for the year 2026 and
15 continuing thereafter;
- 16 (3) Use a geographic origin in labeling or advertising
17 roasted or instant coffee, including advertising in
18 conjunction with a coffee style or in any other
19 manner, without disclosing the percentage of coffee
20 used from that geographic origin as described in
21 subsection (a) (1) (B) and (a) (2);



- 1 (4) Use a geographic origin in labeling or advertising
2 roasted or instant coffee, including in conjunction
3 with a coffee style or in any other manner, if the
4 green coffee beans used in that roasted or instant
5 coffee do not meet the grade standard requirements of
6 rules adopted under chapter 147;
- 7 (5) Misrepresent, on a label or in advertising of a
8 roasted or instant coffee, the per cent coffee by
9 weight of any coffee from a geographic origin or
10 regional origin[?] as defined in this chapter;
- 11 (6) Use the term "All Hawaiian" on a label or in
12 advertising of a roasted or instant coffee if the
13 roasted or instant coffee is not produced entirely
14 from green coffee beans [~~produced in geographic~~
15 ~~origins defined in this chapter;~~] grown and processed
16 in Hawaii;
- 17 (7) Use a geographic origin on the front label panel of a
18 package of roasted or instant coffee other than in the
19 trademark or in the identity statement as authorized
20 in subsection (a) (1) and (2) unless one hundred per



1 cent of the roasted or instant coffee contained in the
2 package is from that geographic origin;

3 (8) Use more than one trademark on a package of roasted or
4 instant coffee unless one hundred per cent of the
5 roasted or instant coffee contained in the package is
6 from that geographic origin specified by the
7 trademark;

8 (9) Use a trademark that begins with the name of a
9 geographic origin on a package of roasted or instant
10 coffee unless one hundred per cent of the roasted or
11 instant coffee contained in the package comes from
12 that geographic origin or the trademark ends with
13 words that indicate a business entity; or

14 (10) Print the identity statement required by subsection
15 (a) in a smaller font than that used for a trademark
16 that includes the name of a geographic origin pursuant
17 to paragraph (7) and in a location other than the
18 front label panel of a package of roasted or instant
19 coffee."

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much



S.B. NO. 2905

1 thereof as may be necessary for fiscal year 2022-2023 for
2 inspection and detection technologies to aid the department of
3 agriculture in the regulation of the authenticity of roasted
4 Hawaii-grown coffee.

5 The sum appropriated shall be expended by the department of
6 agriculture for the purposes of this Act.

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

9 SECTION 5. This Act shall take effect on July 1, 2022.

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INTRODUCED BY:

A handwritten signature in black ink, consisting of the letters 'DKR' in a stylized, cursive font, written over a horizontal line.

S.B. NO. 2905

Report Title:

Coffee Labeling; Blended Coffee; Percent of Coffee by Weight; Appropriation

Description:

Requires coffee blend labels to disclose 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 specified percentages coffee by weight from that geographic origin. Appropriates moneys for inspection and detection technologies.

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