

---

---

# 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 the islands of  
6 Maui and Hawaii, 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 purposes of this part are to support Hawaii's coffee  
6 growers by:

- 7 (1) Directing the department of agriculture to conduct a  
8 study to assess the economic impact on the local  
9 coffee industry from potential changes to coffee  
10 labeling laws; and  
11 (2) Appropriating moneys for the pesticide subsidy  
12 program.

13 SECTION 2. (a) The department of agriculture shall  
14 conduct a study to assess the economic impact on the local  
15 coffee industry from potential changes to coffee labeling  
16 requirements established in section 486-120.6, Hawaii Revised  
17 Statutes.

18 (b) The department of agriculture shall consult with  
19 stakeholders in the coffee industry to establish the protocols  
20 to be used and factors to be addressed in the study.



1 (c) The department of agriculture shall complete the study  
2 no later than January 1, 2024, and shall submit a report of its  
3 findings and recommendations, including any proposed  
4 legislation, to the legislature no later than twenty days prior  
5 to the convening of the regular session of 2024.

6 SECTION 3. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so  
8 much thereof as may be necessary for fiscal year 2022-2023 for  
9 the pesticide subsidy program established by Act 105, Session  
10 Laws of Hawaii 2014, as amended by section 1 of Act 152, Session  
11 Laws of Hawaii 2015, as amended by section 2 of Act 65, Session  
12 Laws of Hawaii 2017, as amended by section 2 of Act 32, Session  
13 Laws of Hawaii 2018, as amended by section 43 of Act 111,  
14 Session Laws of Hawaii 2019, as amended by section 2 of Act 138,  
15 Session Laws of Hawaii 2021.

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

18 PART II

19 SECTION 4. The legislature finds that, for over thirty  
20 years, Hawaii has been the only region in the world that  
21 statutorily regulates the uses of its geographic names, such as



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

16 The purpose of this part is to support Hawaii's coffee  
17 growers by:

- 18 (1) Requiring disclosure on the label of coffee blends of  
19 the respective geographic and regional origins and per  
20 cent by weight of the blended coffees;



- 1           (2) Making it a violation to use a geographic origin in  
2           labeling or advertising for roasted or instant coffee  
3           blends that contain less than fifty-one per cent of  
4           coffee by weight from that geographic origin; and
- 5           (3) Prohibiting use of the term "All Hawaiian" in labeling  
6           or advertising for roasted or instant coffee not  
7           produced entirely from green coffee beans grown and  
8           processed in Hawaii.

9           SECTION 5. Section 486-120.6, Hawaii Revised Statutes, is  
10          amended by amending subsections (b) and (c) to read as follows:

11          "(b) A listing of the geographic origins of the various  
12          Hawaii-grown coffees and the regional origins of the various  
13          coffees not grown in Hawaii that are included in a blend [~~may~~]  
14          shall be shown on the label. [If used, this] In place of  
15          separate listings of regional origins of coffee not grown in  
16          Hawaii in the blend, the list may include the words  
17          "Foreign-Grown Coffee" followed by the per cent of the coffee by  
18          weight in the blend. This list shall consist of the term  
19          "Contains:", followed by, in descending order of per cent by  
20          weight and separated by commas, the respective geographic origin  
21          or regional origin of the various coffees in the blend [~~that the~~



1 ~~manufacturer chooses to list~~. Each geographic origin or  
2 regional origin [~~may~~] shall be preceded by the per cent of  
3 coffee by weight represented by that geographic origin or  
4 regional origin, expressed as a number followed by the per cent  
5 sign. The type size used for this list shall not [~~exceed~~] be  
6 less than half that of the identity statement. This list shall  
7 appear below the identity statement, if included on the front  
8 panel of the label.

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

10 (1) Use the identity statement specified in subsection

11 (a) (1) (A) or similar terms in labeling or advertising  
12 unless the package of roasted or instant coffee  
13 contains one hundred per cent coffee from that one  
14 geographic origin;

15 (2) Use a geographic origin in labeling or advertising,  
16 including in conjunction with a coffee style or in any  
17 other manner, if the roasted or instant coffee  
18 contains less than [~~ten~~] fifty-one per cent coffee by  
19 weight from that geographic origin;

20 (3) Use a geographic origin in labeling or advertising  
21 roasted or instant coffee, including advertising in



1 conjunction with a coffee style or in any other  
2 manner, without disclosing the percentage of coffee  
3 used from that geographic origin as described in  
4 subsection (a) (1) (B) and (a) (2);

5 (4) Use a geographic origin in labeling or advertising  
6 roasted or instant coffee, including in conjunction  
7 with a coffee style or in any other manner, if the  
8 green coffee beans used in that roasted or instant  
9 coffee do not meet the grade standard requirements of  
10 rules adopted under chapter 147;

11 (5) Misrepresent, on a label or in advertising of a  
12 roasted or instant coffee, the per cent coffee by  
13 weight of any coffee from a geographic origin or  
14 regional origin[+] as defined in this chapter;

15 (6) Use the term "All Hawaiian" on a label or in  
16 advertising of a roasted or instant coffee if the  
17 roasted or instant coffee is not produced entirely  
18 from green coffee beans [~~produced in geographic~~  
19 ~~origins defined in this chapter;~~] grown in Hawaii;

20 (7) Use a geographic origin on the front label panel of a  
21 package of roasted or instant coffee other than in the



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





1 PART III

2 SECTION 6. Statutory material to be repealed is bracketed  
3 and stricken. New statutory material is underscored.

4 SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

Department of Agriculture; Coffee Labeling Economic Impact Study; Pesticide Subsidy Program; Appropriation; Coffee Labeling; Blended Coffee; Percent of Coffee by Weight

**Description:**

Directs the Department of Agriculture to conduct an economic impact study regarding the impact of potential changes to coffee labeling laws on the local coffee industry. Appropriates moneys for the pesticide subsidy program. 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 fifty-one per cent of coffee by weight from that geographic origin. 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. Effective 7/1/2050. (SD2)

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

