

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE & BIOSECURITY
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & TECHNOLOGY

FRIDAY FEBRUARY 13, 2026
8:30 AM
CONFERENCE ROOM 423 & VIDEOCONFERENCE

HOUSE BILL NO. 2475
RELATING TO LABELING REQUIREMENTS

Chair Iligan, Vice Chair Hussey and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2475 which establishes labeling requirements for 'okolehao products. The Department of Agriculture and Biosecurity supports this bill.

Establishing labeling requirements for 'okolehao products will help the industry and benefit farmers, distillers, distributors and retailers in Hawaii. The State should regulate the traditional Hawaiian brand names and help industry grow by protecting businesses within the State. Protecting this 'okolehao product should help grow the industry from within and prevent producers from using the 'okolehao name outside of the State. We agree with the legislature that it is important to protect the State's agricultural and cultural landscape while creating an authentic visitor experience rooted in culture, place and the local production of 'okolehao.

DAB also recognizes that ki cultivation and 'okolehao distillation presents opportunity to support Hawaii farmers, while ensuring the consumers receive a product that is truthfully labeled and rooted in Hawaii. We are ready to work with producers to develop guidelines for inspection and certification of the product. However, since distilled spirits is a new product that DAB has not regulated before, it will be a development process to create regulation and inspection procedures for compliance.

DAB respectfully asks for 1 FTE Measurement Standards Inspector V position SR19 \$65,000 initially to help develop inspection processes and regulate this product.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



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Board of Agriculture & Biosecurity

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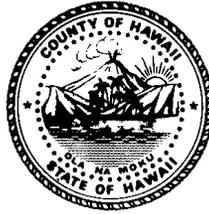
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Establishing labeling requirements for 'okolehao products will help the industry and benefit farmers, distillers, distributors and retailers in Hawaii. The State should regulate the traditional Hawaiian brand names and help industry grow by protecting businesses within the State. Protecting this 'okolehao product should help grow the industry from within and prevent producers from using the 'okolehao name outside of the State. We agree with the legislature that it is important to protect the State's agricultural and cultural landscape while creating an authentic visitor experience rooted in culture, place and the local production of 'okolehao.

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Thank you for the opportunity to testify on this measure.



HAWAI'I COUNTY COUNCIL

County of Hawai'i
West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740

February 11, 2026

COMMITTEE ON ECONOMIC DEVELOPMENT & TECHNOLOGY

Rep. Greggor Ilagan, Chair
Rep. Ikaika Hussey, Vice Chair

RE: **Support for HB2475, RELATING TO LABELING REQUIREMENTS.**
 Establishes labeling requirements for 'ōkolehao products.
Hearing: **Friday, February 13, 2026 at 8:30 a.m.**

Aloha Chair, Vice Chair, and Members of the Committee,

On behalf of the Hawai'i County Council and Council District 8 in North Kona, I am writing in strong support of **House Bill 2475**.

I write in strong support of H.B. 2475, which establishes labeling requirements to protect 'ōkolehao as a distinctive product of Hawai'i.

'Ōkolehao is more than a distilled spirit; it is part of Hawai'i's cultural and agricultural heritage. Historically produced from fermented kī root, this traditional spirit reflects the ingenuity of our islands and the deep cultural significance of kī in Native Hawaiian society. Establishing clear standards for its production and labeling is an important step toward preserving its integrity and ensuring that consumers receive a product that is authentically rooted in Hawai'i.

H.B. 2475 provides meaningful protections by defining what qualifies as 'ōkolehao and prohibiting misleading labeling or imagery that could confuse consumers. By requiring that qualifying products be distilled and bottled in Hawai'i and derived primarily from Hawai'i-grown kī and agricultural products, this measure strengthens local agriculture, supports value-added production, and creates new economic opportunities for our farmers and rural communities.

On Hawai'i Island, agriculture remains a cornerstone of our economy. Policies that promote locally cultivated crops and locally manufactured products help diversify our economic base while reinforcing Hawai'i's brand as a place grounded in culture, place, and authenticity.

As we have seen in other regions where distinctive beverages are protected by clear standards, such measures can also enhance visitor experiences and stimulate economic growth.

H.B. 2475 represents a thoughtful approach that protects cultural heritage, promotes truth in labeling, and advances economic development. I respectfully urge your favorable consideration of this measure.

Thank you for the opportunity to submit this testimony and for your continued dedication to the people of Hawai'i.

Sincerely,



HOLEKA GORO INABA, Ed.D.,
Council Chair, District 8, North Kona

HGI.wpb

HB-2475

Submitted on: 2/11/2026 11:51:35 AM

Testimony for ECD on 2/13/2026 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kea Keolanui	OK Farms LLC.	Support	Written Testimony Only

Comments:

Aloha, esteemed committee members. The bourbon industry became a multi-billion-dollar powerhouse precisely because its labeling and origin were protected early on. With federal standards ensuring authenticity, bourbon carved out a unique, premium niche, driving a 5.3 billion-dollar U.S. market. If ‘Okolehao is protected now, it can follow a similar path. Even at 10% of bourbon’s scale—about 530 million dollars—‘Okolehao would represent roughly 2,250 acres of ti root cultivation. For comparison, Hawaii’s macadamia industry is about 30 million dollars, and pineapple is around 100 million. ‘Okolehao’s potential impact on farmers is immense. Unlike low-cost corn, ti root farming offers premium returns. By passing HB 2475, you ensure farmers benefit directly—creating a future where ‘Okolehao outshines other crops. This is our chance to anchor Hawaii’s agriculture in a thriving, protected industry.



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February 11, 2026

House of Representatives
Thirty-Third Legislature, 2026
State of Hawaii
415 South Beretania St.
Honolulu, HI 96813

RE: Written Testimony in Support of House Bill No. 2475

Dear Honorable Representatives:

I submit this written testimony in support of House Bill No. 2475 (“HB2475”), as I have seen firsthand the benefits that a geographic designation and related labeling requirements bestow on the regions and people who produce these alcohol beverage products.

I have been practicing alcohol beverage regulatory law for over 12 years. In my practice, I have had the honor of representing alcohol beverage manufacturers worldwide, including producers of bourbon whiskey, tequila, Scotch whisky, Irish Whiskey, cognac, and champagne, among other types of alcohol beverage products. I also currently represent Ola Brew Co. of Kailua-Kona. As part of my work with Ola, I drafted and filed the petition to the Alcohol and Tobacco Tax and Trade Bureau (“TTB”) to formally adopt a Standard of Identity for okolehao. The same labeling requirements we request that TTB adopt are now in your hands as HB2475.

As already noted in HB2475, products recognized as distinctive to a particular geographic region strongly support that region's tourism, job growth, farming, and agricultural businesses. Visitors want to see where the products are made, talk to the producers, and see the farms. This bleeds into the surrounding hotels, restaurants, and entertainment venues, helping create vacation destinations. Such products are undeniably income and interest generators. Indeed, many other states have already taken action prohibiting the labeling, advertising, and marketing of alcohol beverages as products of the state unless they were manufactured there. *See e.g.*, TN Code § 57-2-106; KY Rev. Stat. § 244.370; ORS 471.802 and OAR 845-010-0920.

A standard definition and specific labeling requirements for okolehao will, first and arguably most importantly, serve as an official State affirmation of the cultural and agricultural significance of okolehao to the people of Hawai'i. This public showing of support can only amplify the pride Hawaiians have toward their islands and cultural heritage.

Other benefits, however, may not be as quantifiable. Standardizing the definition and labeling requirements for okolehao will provide an opportunity for consumer education. Why is this product labeled this particular way? How is this product produced? Who produces it? What is kī, and how is it connected to Hawaii? As consumers become more knowledgeable about the product, the standard definition and labeling requirements begin to serve as a source of authenticity. Properly labeled products will be viewed as more authentic than other products on a liquor shelf. The credibility of the marketing will be boosted because the labeling has had to follow specific requirements. Additionally, consumers will associate a certain level of quality with such products because the production process must meet specific requirements. Finally, whether deservedly or not, products of a specific geographic area tend to be sold at a higher price point than non-geographically specific products.



Champagne is a great example. We already know the economic benefits to the Champagne region of France from increased tourism, manufacturing growth, and product sales. Thousands of articles and experts educate consumers that the terroir of the Champagne region of France gives the grapes a unique, incomparable taste, and highlight the importance of winemaking to this region. The people of the region, as they should, take great pride in their craftsmanship and share this with the world. Because only select products can bear the name “Champagne,” consumers have generally ascribed a higher level of quality to those products. It’s also hard to argue that products labeled as Champagne are generally sold at a premium, regardless of how good the wine may be.

Another example is Tennessee Whiskey. TN Code § 57-2-106 prohibits any product from being advertised

Finally, I want to note that the passage of HB2475 will be instrumental to our continued work petitioning TTB to recognize okolehao as a spirit distinctive of Hawai’i. In 2013, TTB amended its standard of identity regulations to formally recognize cachaca as “a distinctive product of Brazil, manufactured in Brazil in compliance with the laws of Brazil.” *See* 27 C.F.R. § 5.147(b)(1). In the lead-up to this change, the Brazilian government faxed TTB in June 2006 to not only urge such regulatory change, but also provided TTB with the legislative actions undertaken to support these changes – namely, amending the Brazilian legislation to state cachaca was exclusively a Brazilian spirit and otherwise legally distinguished cachaca from “rum.” Notably, in the fax, the Deputy Chief of Mission at the Brazilian Embassy states that TTB requested that Brazil present legislative changes to further regulatory rulemaking in the United States. *See attached*, June 3, 2006 Fax from Mr. Evandro Didonet to Ms. Gail H. Davis.

This, I believe, underscores why the passage of HB2475 will be vitally important for federal recognition of okolehao as a distinctive product of Hawai’i. State action will underscore for TTB not only the legal appropriateness of such recognition under federal law, but also its importance to the Hawaiian people. This importance will be hard for TTB to ignore.

Thank you all for the opportunity to submit this testimony and your consideration of the same. I shall make myself available via Zoom for the Hearing on February 13, 2026, if there are any questions.

Very truly yours,

A handwritten signature in blue ink that reads 'Marshall Fawley III'. The signature is written in a cursive style with a prominent 'M' and 'F'.

Marshall Fawley

BRAZILIAN EMBASSY

3006 Massachusetts Ave., N.W.
Washington, D.C. 20008

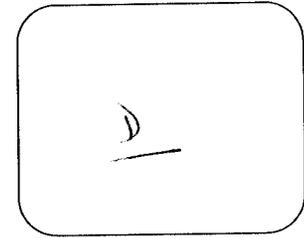
FAX: (202) 238-2827

FACSIMILE TRANSMITTAL PAGE

N° of Pages Including Cover Sheet

Date

06/03/2006



From:

Mr. Evandro Didonet, Deputy Chief of Mission, Brazilian Embassy in Washington, DC

Phone:

(202) 238-2718

To:

Ms. Gail H. Davis, Director, International Trade Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury.

Fax:

(202) 927-8605

Dear Ms. Director.

This letter is to follow up on contacts initiated in 2001, when representatives of the Brazilian Beverages Association (ABRABE), members of the Brazilian Program for the Development of *Cachaça* (PBDAC) and representatives of the Brazilian government met with officials of the Alcohol and Tobacco Tax and Trade Bureau (TTB), U.S. Department of the Treasury, then the Bureau of Alcohol, Tobacco and Firearms (BATF) to discuss the distinct nature of *cachaça* in relation to other beverages, particularly the rum.

On the 22nd of November 2005, Brazilian officials and private sector representatives again had the opportunity to make the case before US authorities that *cachaça* is a typically and exclusively Brazilian beverage that is obtained by the distillation of the fermented must of sugar cane juice, on the basis of scientific studies and pieces of current Brazilian legislation on the subject. Furthermore, both sides agreed on the occasion that it would be convenient for Brazil to submit a written petition to the TTB, so that the appropriate regulatory process could be launched within the US government.

The initiative of the contacts cited above arose from the U.S. government decision, in 2000, to change the classification of *cachaça*. Beginning in that year, when it was classified as a type of rum, *cachaça* began to be subject to the payment of an import tariff, which increased the cost of Brazilian exports of *cachaça* to the United States. In addition, a new requirement was imposed that the *cachaça* label must contain the words "Brazilian rum", which for all practical purposes downgrades the *cachaça* from a "class" to a "type" of beverage and conveys incorrect information to consumers in the United States.

At a meeting held in August 2001, the U.S. officials made a request that the Brazilian government presented evidence, through scientific studies and the development of legislation, of the distinction between rum and *cachaça*.

In the context of the initiatives taken by both the Brazilian government and the domestic industry to demonstrate that *cachaça* is a typically and exclusively Brazilian product and is scientifically distinct from rum, the following studies were among those undertaken and completed: “*Characterization of Cachaça and Rum Aroma*,” published in the *Journal of Agricultural and Food Chemistry* by Professors Maria Souza, Pablo Vasquez, Nélida del Mastro, Terry Acree and Edward Lavin, of Cornell University and the University of São Paulo (USP); “*A Utilização de Discriminadores Químicos para a Distinção entre Cachaça e Rum*” [The use of chemical discriminators to distinguish between *cachaça* and rum], published by Professor Douglas Wagner Franco, Ph.D., Chemistry Institute of São Carlos, University of São Paulo (USP), São Paulo state, in 2003, and “*Determinação do Perfil Sensorial da Cachaça e do Rum*” [Identification of the sensory profile of *cachaça* and rum], published by Professor Helena Maria André Boline, Ph.D., University of Campinas, São Paulo state, in 2005. These studies clearly attest to the distinctions between these two beverages.

It is worth underscoring that the Brazilian legislation was also amended. Presidential Decree no. 4062 of 2001 was issued for the purpose of defining the unique and characteristic nature of *cachaça* as an exclusively Brazilian beverage, thus describing it as a geographic indication under the terms of the 1994 World Trade Organization (WTO) Agreement on Trade-Related Intellectual Property Rights (TRIPS Agreement). Additionally, in order to legally establish the distinction between *cachaça* and rum, the Brazilian government issued Decree no. 4851 of 2003, to more clearly emphasize the distinction between the two beverages derived from sugar cane, and published Regulatory Instruction no. 13 of 2005, which established the Identity and Quality Standards for *cachaça*. The WTO was formally notified of both these legal instruments.

Based on the legal arguments and scientific studies mentioned earlier, the Brazilian government requested that the World Customs Organization (WCO) revise the description in tariff line 2208.40 of the Harmonized System (HS), which read only “rum and tafia”. The Brazilian request, already accepted within the scope of the WCO, provides that this tariff line will be replaced by one which refers to rum and other spirits derived from the distillation of fermented products of sugar cane. The Brazilian government’s request was based on the need to have the HS recognize the difference between rum and *cachaça*. Although the new version of the HS will take effect only at the beginning of 2007, the WCO has already authorized the use of this new classification by all its member states.

Thus, Brazil believes it has fulfilled all the requests made by the U.S. government with a view to establishing the distinctive nature of *cachaça*, especially in relation to rum. Therefore, it petitions for *cachaça* to receive a treatment under U.S. legislation similar to that given to “*tequila*”, a typical Mexican beverage. In this manner, the unique nature of this

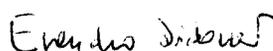
genuinely Brazilian beverage would be preserved, while simultaneously beginning to convey to U.S. consumers accurate information about the product.

Thus, considering,

- the scientific studies carried out, which clearly attest to the differences between *cachaça* and rum;
- the legislation in force in Brazil, which contains distinct definitions for *cachaça* and rum;
- the difficulties faced by Brazilian authorities in granting export licenses for *cachaça* being exported to the United States, given that the U.S. requirements are at odds with the Brazilian legislation itself;
- the recognition of the distinction between rum and *cachaça* by international organizations, such as the WCO and the WTO; and
- the need to guarantee that U.S. consumers have access to accurate information;

The Brazilian government hereby urgently requests that the Alcohol and Tobacco Tax and Trade Bureau (TTB) initiates a regulatory process in order to ensure that *cachaça* is recognized under U.S. law as a typically and exclusively Brazilian beverage, following the example of Mexican *tequila*, bearing in mind the priority that, as a result of such legal recognition, authorization be given, as soon as possible, for *cachaça* to be labeled as such, without any requirement that it be labeled as “Brazilian rum”.

Yours sincerely,



Evandro Didonet
Deputy Chief of Mission
Minister-Counselor for Economic and Trade Affairs
Embassy of Brazil to the United States of America

WRITTEN TESTIMONY IN OPPOSITION TO HB2475

Relating to ‘Ōkolehao; Distilled Spirits; Labelling Requirements
(Date of Hearing: 02/13/2026)

To:

Chair and Members
House Committee on Economic Development & Technology & Consumer Protection
& Commerce
Hawai‘i State Legislature

From:

Mr Alexander Molyneaux
Founder and Owner / Kahuna Spirits Ltd
Sunbury-on-Thames, Surrey, United Kingdom

alexmolyneaux@hotmail.co.uk

+44 7545 783559

Re: Oppose *HB2475* — Establishes labeling requirements for ‘ōkolehao products.

POSITION: OPPOSE

My name is Alexander, and I am the founder of Kahuna Okolehao, a business based in the United Kingdom that produces an authentic and traditional form of ‘ōkolehao. Our spirit is based on careful historical research and reflects a sincere commitment to cultural and historical preservation. It respectfully recognises the spirit’s shared British Polynesian heritage and ensures that consumers are accurately and transparently informed about its origins, history and cultural significance. We handcraft our ‘ōkolehao in close adherence to its historic roots, employing traditional pot-still distillation and ingredients historically used by early ‘ōkolehao distillers. Our methods preserve the authenticity, historical integrity, and traditional character of the spirit, ensuring it remains faithful to the legacy of ‘ōkolehao, while being produced responsibly and transparently by our UK-based distillery. At the heart of Kahuna Okolehao is a deep respect for the people and cultures of the Pacific Islands. With every batch we produce, we support selected Pacific organisations working to preserve and protect cultural heritage, ancestral knowledge and empower future generations across the region.

I respectfully oppose HB2475 which seeks to narrowly define and restrict the use of the term ‘ōkolehao by imposing a specific production formula and geographic origin

requirement for labeling purposes. While protecting cultural heritage and promoting authentic products are laudable objectives, the bills' current formulation rests on historically and factually inaccurate assumptions about the origins and evolution of 'ōkolehao. By codifying a rigid and incomplete definition into statute, the legislation would not only misrepresent the historical record but also impose unjustified regulatory burdens on lawful producers, including those operating internationally who produce spirits in good faith under established regulatory frameworks.

I have dedicated more than half a decade to rigorous research on the history and cultural context of 'ōkolehao, including extensive fieldwork and archival study throughout the Pacific, particularly in Hawai'i. I am a history graduate of King's College London, and my work has involved careful examination of a broad range of primary sources, including historical newspapers, shipping records, government documents, correspondence and early firsthand accounts as well as relevant secondary scholarship. Through this research, I have developed a comprehensive understanding of the spirit's origins, production methods and evolution over time. The historical record demonstrates that many commonly held assumptions about 'ōkolehao, particularly those suggesting a single fixed formula or geographic limitation are incomplete, oversimplified, or inconsistent with documented evidence. My work is guided by a commitment to historical accuracy and cultural integrity. The product we develop and produce seeks to reflect the spirit's authentic and historically grounded reality, rather than perpetuating the simplified and selectively rewritten narratives currently about 'ōkolehao that have increasingly shaped the modern marketplace and, in doing so, risk distorting and diminishing 'ōkolehao's true historical legacy.

'Ōkolehao origins are actually traced back to Britain and are deeply intertwined with British maritime and naval history. In the late 1700s and 1800s, British sailors, including ship captains, HMS *Bounty* mutineers, castaways, whalers, missionaries, beachcombers and traders travelled across the Pacific Islands, introducing the previously unknown art of distillation. Through their experiments with local ingredients, they created 'ōkolehao in its earliest forms, initially using the root of a cordyline plant known as ti. Over time, its recipes and mash bills evolved, giving rise to the many variations of 'ōkolehao throughout the Pacific.

The earliest known record of 'ōkolehao dates to the 1790s, when William Stevenson, an escaped British convict from Bo'ness, Scotland, arrived on the shores of O'ahu, Hawai'i. Stevenson fashioned a makeshift still using iron whaling pots and a gun barrel to distil a spirit from the root of ti plant a type of cordyline. He is widely credited as the first person in history to produce this spirit. However, the story of 'ōkolehao does not begin and end in Hawai'i, as is mistakenly assumed. In the same decade, *Bounty* mutineer William McCoy arrived on Pitcairn Island and distilled a strong liquor from the same cordyline root in 1796. Today, the Pitcairn Islands Study

Center, a specialized research archive and collection dedicated to the history, culture, and people of the Pitcairn Islands and housed at Pacific Union College in Angwin, California, recognizes in its *Pitcairn Island Encyclopedia* this spirit as 'ōkolehao, highlighting its broader historical and cultural significance across the Pacific.

Beyond the documented distillation of 'ōkolehao on Pitcairn Island, numerous 19th century historical records describe its production by British sea captains, sailors, beachcombers, castaways, whalers, missionaries, traders, as well as local chiefs and inhabitants across the Pacific. Drawing from both primary sources and secondary historical analyses, I have traced evidence of this spirit's distillation in Tahiti, Bora Bora, the Marquesas Islands, Fiji, the Cook Islands, Huahine, Mo'orea, Ra'iātea, Taha'a, Futuna, Rapa Iti, the Tuamotus, Tonga, Kosrae, and even New Zealand. Together, these records demonstrate that 'ōkolehao was not confined to a single island group but formed part of a broader pattern of cross-cultural exchange and adaptation throughout the Pacific in the nineteenth century. Some examples of the historical sources supporting this argument include the letters and reports of the London Missionary Society, which document the presence and impact of 'ōkolehao throughout the Society Islands. In 1852, Hawaiian missionary Luther Halsey Gulick recorded the distillation of ti root spirits on Kosrae, Micronesia. That same year, British beachcomber Thomas Clifton Lawson reported that the practice of distilling this spirit had spread widely throughout the Marquesas. British naturalist, traveler, and writer John Whetham Boddam-Whetham noted in his 1876 work *Pearls of the Pacific* that the inhabitants of Futuna were distilling ti root during his visit. Likewise, in the mid-to-late 1870s, British travel writer Herbert Stonehewer Cooper documented island life in *The Coral Lands of the Pacific*, recording the distillation of ti root spirits in Tonga. British Naval Captain John Erskine, serving aboard HMS *Havannah*, recorded during his 1849 voyage through the Western Pacific that inhabitants in Fiji were distilling a form of 'ōkolehao from ti root as well as from banana and sugarcane. His account highlights a broader historical reality; 'ōkolehao was never confined to just *Cordyline fruticosa*, nor was it produced according to any fixed or standardized mash bill.

19th and early 20th century records demonstrate that 'ōkolehao was also distilled from a wide range of ingredients, including rice, pineapple, molasses, sugarcane, sweet potato, potato, kiawe beans, pandanus, prickly pear, honey, corn, sugar, oranges, papaya, grapes, banana, breadfruit, guava, taro, watermelon, and *Cordyline australis*. Moreover, contemporary Hawaiian-language newspapers such as *Ka Nupepa Kuokoa*, *Ka Lāhui Hawai'i*, and *Ka Hoku o ka Pakipika*, along with English-language publications including the *Evening Star*, *The Hawaiian Star*, *The Hawaiian Gazette*, *The Pacific Commercial Advertiser*, *Evening Bulletin*, *The Honolulu Republican*, and *The Daily Astorian*, consistently reported 'ōkolehao being produced from many different ingredients often without any reference to ti root at all. These records make it clear that the claim that ti root must be present for a spirit to be

classified as 'ōkolehao is historically inaccurate, unsupported, and a misinterpretation of the evidence. In fact, many Pacific islands outside Hawai'i such as Bora Bora, Fiji, the Marquesas Islands, New Zealand, and Taha'a historically distilled versions of 'ōkolehao using ingredients other than ti root. There is no historical record supporting a requirement that 'ōkolehao contain 51% ti root or any other specific ratio; any such figure is entirely invented.

For over two centuries, 'ōkolehao was distilled across the islands of the Pacific. While its production declined and disappeared on many islands over time, its historical presence demonstrates that 'ōkolehao is far more than a uniquely Hawaiian spirit. It is a British Polynesian spirit with a geographic and cultural heritage spanning much of the Pacific. Although it was known by different names on different islands, it remained the same type of distilled spirit. Like vodka or gin, 'ōkolehao is a generic category of spirit, defined by its method of production, typically pot distillation and usually the use of ingredients indigenous to the Pacific Islands, rather than by a single region, ingredient, or recipe. It is not the same as geographically protected spirits such as Tequila, Armagnac, Cognac, or Champagne, which are intrinsically tied to their regions and traditions, and whose names reflect that exclusive geographic origin. By contrast, 'ōkolehao evolved across islands, adapting to local resources, and reflects a shared Pacific history of distillation and cultural exchange. It is also worth noting that 'ōkolehao was commercially produced in California between 1987 and 2003 by the LeVecke Corporation and has been distilled in the United Kingdom since 2021 by Kahuna Okolehao.

While the intent to recognize cultural heritage is important, HB2475 would enshrine a specific production method and geographic limitation in law that is built on incorrect information about 'ōkolehao's history and threatens to place undue regulatory burdens on lawful producers everywhere, including those operating outside Hawai'i who produce the spirit accurately, faithfully and legally. 'Ōkolehao's heritage is rooted in a centuries-old Pacific cultural exchange between British and Polynesian communities, encompassing but not limited to Hawai'i. It is not confined to a single location or rigid formula, as HB2475 proposes. For these reasons, I respectfully oppose this bill and urge a careful re-examination of the historical record, recognizing that 'ōkolehao is a complex British Polynesian spirit with a history and presence both in Hawai'i and internationally. My testimony will further address specific provisions of the bill and the concerns they raise.

1. "51% Ti Root (Kī)" Requirement Is Factually Inaccurate

HB2475 defines 'ōkolehao, in part, as a spirit that "is distilled from a fermented mash, at least fifty-one per cent of which is derived from kī root (*Cordyline fruticosa*) grown in the State." This rigid percentage requirement is not supported by

documented historical practice and appears to lack a clear evidentiary foundation. As drafted, it risks conflicting with the bill's stated purpose by narrowing a historically diverse and adaptive tradition into a modern statutory formula that does not reflect the historical record. While early 'ōkolehao is widely described as being made from baked kī root, historical accounts consistently show that producers supplemented and at times entirely replaced kī with other fermentable ingredients such as sugarcane, rice, pineapple, sweet potato, honey and other locally available starches to increase alcohol yield and improve drinkability. Numerous Hawaiian and English language newspapers from the nineteenth and early twentieth centuries document recipes and prosecutions involving 'ōkolehao made without kī root at all.

Contemporary newspaper evidence from Hawai'i during this period clearly demonstrates that 'ōkolehao was produced from a broad range of ingredients, often with no use of kī (ti) root. For example, the *Pacific Commercial Advertiser* in an article dated May 1, 1875, reported from West Maui: "The manufacture of okolehao from molasses, prickly-pear, and water-melon, and swipes of sweet-potatoes, is very ingeniously performed all over the county". Decades later, the same paper on July 30th, 1901 featured an article titled "OKOLEHAO FROM HONEY".

The *Hawaiian Star* provides further documentation. On November 24th, 1902, page 5, in an article titled "OKOLEHAO MADE FROM KIAWE BEANS" it mentions the following "the mash is a very interesting composition. So far as it can be roughly analysed by appearance it is composed of kiawe beans, corn, bran and a few potatoes and honey." On May 26th, 1904, page 5, the paper recorded an incident involving a Japanese okolehao distiller called Takita: "Pineapples were largely used in the manufacturer of Takita's okolehao, and the pineapples were stolen, ti is believed, from the Wahiawa colonists. The Japanese hut and the still were hidden away in a gulch and the okolehao-makers evidently stole pineapples from the planters. There is no ti plant in the vicinity and no ti was used in making the okolehao. A part of the okolehao seized is 90 proof, while the rest is much weaker. It is made from beans, hops and sugar, as well as pineapple."

Additional reports reinforce this pattern. The *Hawaiian Star*, June 29th, 1906 page 8 titled "RICE OKOLEHAO" it mentions a Chinese man being arrested in Kauai for having a still in his procession. "He was using it, it is alleged to make okolehao from rice". The *Hawaiian Star*, August 16th, 1906, refers to an okolehao of a rather poor quality made from sugar only. The *Hawaiian Star* on May 21st, 1907, second edition page 6 states "had they been able to have operated the still for any time, they would have turned out okolehao in wholesale quantities. The mash consisted of bran, sugar and potatoes."

These repeated contemporaneous accounts demonstrate that 'ōkolehao was historically an adaptive and resourceful spirit, produced from a variety of locally available fermentable ingredients. While early forms were associated with baked kī root, the historical record does not support the claim that 'ōkolehao was exclusively or even consistently made from kī. The assertion that 'ōkolehao can only be distilled from at least 51% kī root is therefore inconsistent with documented historical evidence and reflects a poor understanding of the spirit.

It is widely documented that 'ōkolehao was produced from a variety of ingredients, often without any reference to kī (ti) root at all. The assertion that kī is required for a spirit to be classified as 'ōkolehao is therefore unsupported by the historical record and reflects a misunderstanding of the spirit's true heritage and evolution. By codifying an arbitrary fifty-one percent threshold, the statute imposes a requirement that is not grounded in cultural practice, agricultural history, or documented production standards. There is no official recipe, historic production tradition, regulatory precedent, or archival evidence establishing that at least fifty-one percent of the mash must be derived from kī root for a spirit to be considered authentic 'ōkolehao. Such a mandate risks excluding otherwise legitimate and traditionally produced 'ōkolehao from qualifying under the law. In doing so, the provision may ultimately undermine the credibility and cultural integrity of the statutory definition, raising serious questions about whether it genuinely reflects the character of 'ōkolehao or merely enforces an arbitrary numerical formula.

2. The Bill's Geographic Restriction Is Not Consistent with Proven Production History

As noted previously, 'ōkolehao has not been produced exclusively in Hawai'i, as the Act suggests. Historically, the spirit was made across the Pacific Islands for well over a century, reflecting a broader regional tradition rather than a single, geographically confined origin. In more recent decades, documented commercial production outside Hawai'i further confirms this pattern and demonstrates that 'ōkolehao has long been recognized as a spirit defined by its traditional ingredients and production methods rather than by strict geographic boundaries. Accordingly, HB2475's proposed geographic restriction is inconsistent with the established historical production of 'ōkolehao and risks creating an inaccurate and exclusionary statutory definition of the spirit, one that does not fully reflect its true historical development, cultural diffusion, and continued production beyond Hawai'i.

The historical record does not support limiting 'ōkolehao to a single location, as documented evidence shows that 'ōkolehao was commercially produced outside Hawai'i for a substantial period of time, including manufacture in California from approximately 1987 through the early 2000s. Court proceedings in David E.

Fazendin vs. Hawaiian Distillers further revealed that 'ōkolehao was manufactured by Hawaiian Distillers at Mira Loma, California as part of the LeVecke Corporation, reinforcing that production was not geographically confined to Hawai'i and establishing a clear precedent that the spirit has historically been defined by its ingredients and production methods rather than location alone. Because HB2475 seeks to impose a strict geographic limitation, it conflicts with this proven production history; geographic exclusivity is typically justified only when continuous, location-specific production defines a product's identity, yet 'ōkolehao's documented manufacture outside Hawai'i demonstrates that it has long been recognized and produced beyond the islands without losing its identity.

Modern production further reinforces this reality, as Kahuna Okolehao, has been actively researching, developing, and producing 'ōkolehao in the United Kingdom since 2021, reflecting the continued evolution and international recognition of 'ōkolehao as a distinct distilled spirit rather than a location-restricted commodity. Imposing a geographic restriction despite this history would contradict documented fact, create an artificial definition inconsistent with the spirit's traditional basis in raw materials and production methods, disrupt legitimate producers operating in good faith outside Hawai'i and risk legal and commercial inconsistency by codifying a definition that conflicts with historical evidence. For these reasons, HB2475's geographic restriction should be reconsidered in favor of a definition grounded in traditional raw materials, fermentation and distillation methods, which more accurately reflects the historical record.

Unlike geographically protected spirits such as Tequila, Cognac, Armagnac, or Champagne, 'ōkolehao is not inherently tied to a specific region. Spirits with geographic protection must be produced within a legally defined area, and their names explicitly indicate that origin. For example, Tequila can only be produced in the town of Tequila and its surrounding designated region in Mexico; Cognac must be distilled and aged in the Cognac region of France; and Champagne can only come from the Champagne region of France. These protections exist because the unique characteristics, quality, and reputation of these spirits are directly linked to their place of production, including local climate, soil, water, and long-established regional practices.

Geographic protection of a spirit requires a continuous and well-documented connection between the product and its place of origin. Spirits like Cognac or Tequila have been consistently produced in their designated regions for decades or even centuries, establishing a strong historical and cultural link to their geographic source. By contrast, 'ōkolehao production has been intermittent, with commercial production in Hawai'i ceasing entirely between 2003 and 2009, and with documented instances of production occurring outside the State, including in California and more recently the United Kingdom. Additionally, from the 1940s through the early 2000s, much of

the 'ōkolehao produced and sold in Hawai'i was made as a substitute or imitation of the original spirit, rather than reflecting authentic traditional methods, further breaking any continuous production history. These gaps demonstrate that 'ōkolehao lacks the sustained, location-specific production required for geographic protection, making the proposal to codify it as a regionally protected product historically and practically unsound.

It's defining qualities of fermentable island ingredients and distillation methods can be replicated outside the islands. Because its character does not depend on location, 'ōkolehao lacks the legally enforceable connection to a region that geographical protections require. The name 'ōkolehao itself is not geographic; unlike "Tequila" or "Champagne," it does not reference a region. For a geographical protection, the name generally must identify the region of origin, which 'ōkolehao does not. For these reasons, granting 'ōkolehao geographic protection would be inconsistent with its historical production and defining characteristics. Legislation seeking to protect the spirit should instead focus on authentic ingredients and traditional production methods, which accurately reflect its heritage and preserve its cultural significance.

3. The Generic Character of the Term 'Ōkolehao

The historical and commercial record demonstrates that 'ōkolehao functions as a generic spirit, not a product that can be confined to a single formula, producer group, or narrowly defined geographic indication. From its earliest documented references in the nineteenth century, the term "ōkolehao" was used descriptively to denote a locally produced distilled spirit, rather than a fixed mash bill, uniform production method, or protected place of origin. Over time, its ingredients, production techniques, and commercial presentation evolved alongside changes in agriculture, trade, and technology. This longstanding variability is inconsistent with the legal principles underlying geographic protection, which require a stable, clearly defined product identity intrinsically linked to a specific geographic environment and consistently applied production standards.

A useful international parallel is *rakia*. *Rakia* developed across a broad region of Southeastern and Central Europe and has been produced in multiple countries under diverse local traditions and names. It is not made from a single fermentable ingredient; depending on the region, it may be distilled from plums, grapes, apricots, pears, quince, figs, or other fruits. While certain subcategories (such as national designations) may receive limited protections, the term "*rakia*" itself functions generically to describe a category of traditional fruit distillates rather than a single protected product tied to one country or formula. Its identity rests in a shared distilling tradition, not a rigid statutory definition.

‘Ōkolehao presents a comparable case. Historically, it has not been defined by one exclusive raw material or an unbroken, uniform production standard tied to a single locality. Instead, it emerged as a regional distilling tradition that adapted over time. Attempting to retroactively impose a narrow geographic indication framework onto such a historically fluid and commercially descriptive term risks misrepresenting its true nature. Like vodka or gin, ‘ōkolehao has long been marketed as a type of spirit rather than a protected regional brand, with broad commercial use and considerable variation in ingredients, fermentation, and distillation. It has never been consistently regulated by a formal consortium, tied to a specific production area, or codified under enforceable standards. Under both international and domestic principles, once a term becomes generic in common use, it cannot be retroactively monopolized as a geographic indication. ‘Ōkolehao’s long history as a descriptive, category-level spirit therefore weighs decisively against its eligibility for GI-style exclusivity.

4. Regulatory Overlap and Conflicts with Federal Law

HB2475 acknowledges that the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulates distilled spirits in interstate commerce. TTB, a federal agency, has its own classification and labeling framework for distilled spirits, including *distilled spirits specialty* designations. State-imposed definitions that override federal labeling regimes especially for interstate and imported products can create confusion for producers, importers, distributors, and consumers.

Regulatory alignment is critical to ensure fair and consistent interstate commerce, especially for alcoholic beverages that require federal COLA (Certificate of Label Approval) review before sale. Discrepancies between federal and state definitions could result in products being compliant nationally but restricted in Hawai‘i, creating unnecessary trade barriers that may violate principles of interstate commerce.

Under current TTB regulations, ‘ōkolehao is recognized as a Distilled Spirits Specialty (DSS) product with no set standard of identity like other well-established categories. This federal classification allows producers to legally make and sell ‘ōkolehao as long as they submit the appropriate formula and label applications to the TTB and provide a truthful statement of composition. In practice, this system enables Hawaiian distillers to market ‘ōkolehao nationally and internationally without being restricted by narrowly defined state standards, providing flexibility that encourages innovation and adaptation to market demand.

The existing federal approach is also cost-effective and efficient. Distillers submit their formula and label once to the TTB, and upon approval, they can distribute their product across all states without navigating multiple, potentially conflicting state

review processes. Compliance under the TTB is predictable, and the agency provides guidance and tools, such as the Distilled Spirits Formula Tool, to simplify submissions. By applying uniform standards across the United States, the TTB system avoids duplicative regulation and the associated costs of multiple label runs, re-registrations, or legal consultations. This centralization benefits Hawaii economically without the need for a separate state-level regulatory regime that could fragment markets or impose redundant administrative burdens.

Moreover, the TTB classification provides market access and legal certainty today. Hawaiian 'ōkolehao products are already entering the national marketplace legally under the DSS designation, demonstrating that the federal system works to support economic activity while maintaining legal clarity. In contrast, HB2475's state-specific production and labeling mandates risk creating conflicts with federal regulations. For instance, a product federally approved as DSS but not meeting the thresholds defined by HB2475 could remain legal to sell elsewhere in the U.S. while being barred from marketing as "ōkolehao" in Hawaii. Such a dual regulatory system could increase compliance costs, generate potential litigation, and create uncertainty for producers, ultimately discouraging investment and slowing economic development.

The TTB's federal system already provides a workable, cost-effective framework that allows 'ōkolehao to be legally produced, labeled, and sold nationwide while supporting Hawaiian producers and economic growth. Federal classification ensures uniform market access, predictable compliance, and regulatory clarity. Imposing a separate state labeling regime, as HB2475 proposes, risks duplicative regulation, higher costs, and legal conflicts.

5. Uncertain Economic Benefit

Supporters of HB2475 cite protections similar to those for bourbon or tequila as a model for economic growth and cultural preservation. While these spirits have indeed benefited from strong geographic and labeling protections, it is important to note key differences: bourbon and tequila have well-established global reputations, decades of market recognition, and legal protections under federal and international frameworks. 'Ōkolehao, in contrast, is a relatively small, niche product with limited awareness in Hawai'i and globally. There is no guarantee that state-specific labeling alone will generate comparable economic gains, and the bill's strict mandates may actually create barriers to market growth. Visitors already travel specifically for those experiences because the products are widely known and marketed internationally. 'Ōkolehao lacks this level of global brand awareness or demand. The U.S. Supreme Court has noted in legal contexts that at least historically 'ōkolehao sales represented well under 1 % of total liquor sales in Hawai'i (in a 1980s case regarding taxation).

HB2475 imposes restrictive definitions, requiring at least 51% locally grown ki root, in-state distillation and bottling which may reduce market flexibility for producers. Small and medium-sized distillers could face significant costs to comply, such as sourcing ingredients exclusively from Hawai'i, investing in additional infrastructure, or reformulating existing products. These additional burdens limit experimentation and innovation, which are essential for craft and niche spirits to attract new customers and enter competitive markets.

Ultimately, while HB2475 aims to promote Hawaii's economy and protect cultural heritage, the economic benefits are uncertain, and the bill could inadvertently limit the very growth and opportunities it intends to support.

6. HB2475 Risks Violating the Foreign Commerce Clause

HB2475's requirement that 'ōkolehao be both distilled and bottled in Hawai'i is overly restrictive and poses significant legal and economic risks for foreign producers. By defining the spirit solely by its in-state production, the bill excludes foreign distillers who adhere to traditional methods, effectively granting a competitive advantage to local producers while barring legitimate international competitors. This restriction directly implicates the U.S. Constitution's Foreign Commerce Clause, which gives Congress exclusive authority to regulate trade with other nations and prohibits states from enacting laws that discriminate against or place an undue burden on foreign commerce. State laws that impede foreign trade are subject to strict judicial scrutiny and are frequently struck down unless the state can demonstrate a compelling local interest that cannot be achieved through less restrictive means. By effectively preventing foreign-produced 'ōkolehao from being marketed in Hawai'i and the United States, HB2475 not only risks legal invalidation but also limits consumer choice, reduces competition and undermines the global recognition and economic growth potential of 'ōkolehao.

7. Comment on the Agricultural Origin Requirement

The provision requiring that 'ōkolehao be "distilled from agricultural products, at least fifty-one per cent of which were cultivated and harvested within the State" appears inconsistent with the stated intent of the measure. The purpose of the bill is to recognize 'ōkolehao as a product that is distinctive to Hawai'i and to support Hawai'i's agricultural industry. However, the allowance of a substantial portion of agricultural inputs to be sourced from outside the State weakens the connection between the product and Hawai'i-based agriculture. Permitting nearly half of the agricultural components to originate elsewhere does not clearly advance the goal of

promoting or sustaining local agricultural production. This inconsistency raises concerns regarding whether the definition meaningfully reflects the cultural and geographic identity the measure seeks to protect. A statutory framework intended to affirm 'ōkolehao as a product of Hawai'i should maintain a clear and coherent nexus to Hawai'i agriculture. As drafted, the definition appears to dilute that nexus and undermines the stated objectives of the Act.

If nearly half of the raw materials can be imported, a significant portion of the economic benefit leaves the state. That means local farmers miss out on potential revenue, land use opportunities, job creation, and long-term agricultural investment. Additionally, the current structure of the 'ōkolehao industry already limits broader agricultural benefit. Most existing producers grow their own kī plants for distillation. While this supports their individual businesses, it does not meaningfully stimulate the wider agricultural economy. Independent farmers, small agricultural operators, and diversified growers are largely excluded from participation in the supply chain. As written, HB2475 risks creating a vertically integrated model where distillers import nearly half their inputs and self-supply the rest, bypassing local farmers altogether. This concentrates economic benefit within a small number of businesses rather than expanding opportunity across Hawai'i's agricultural sector. For these reasons, the agricultural origin requirement, as currently written, does not appear fully aligned with the measure's expressed purpose.

8. Restrictions on Hawaiian Imagery and Marketing of 'Ōkolehao

As a producer of 'ōkolehao based in the United Kingdom, I intend to sell this spirit in the United States. The clause in HB2475 that restricts the use of Hawaiian imagery, place names, or motifs unless the spirit meets the bill's narrow definition directly affects my ability to market and sell a legally and accurately produced product. Our labeling clearly states that the product is distilled and bottled in the U.K., in accordance with federal labelling regulations making it impossible for a reasonable consumer to be misled about its origin.

If enacted, this provision would impose unjustified regulatory barriers on lawful international producers, restricting commerce and undermining principles of truthful commercial speech protected under the First Amendment. U.S. law safeguards the right of producers to truthfully describe and represent their products, including the use of cultural, historical, or geographic references that are not misleading to consumers. By broadly prohibiting Hawaiian imagery, even when used honestly and transparently, the bill would limit the ability of lawful producers like myself to communicate the heritage, context, and identity of 'ōkolehao to consumers, constraining competition and market access. For these reasons, I respectfully

oppose this clause and urge lawmakers to carefully consider its disproportionate impact on international producers operating legally and transparently.

9. Voluntary Certification Mark Program

The clause allowing the department to establish a voluntary certification mark program raises significant concerns regarding cost and administrative burden for the State of Hawaii. Even though the program is labeled “voluntary,” implementing and maintaining it would require substantial resources, including staff, training, oversight, and marketing, inspections, laboratory tests and diverting funds from other essential state services. Additionally, creating and managing a certification system introduces administrative complexity, with detailed regulations, application processes, and monitoring mechanisms that could overwhelm the department. There is also potential for confusion or legal challenges, as businesses that do not participate could still claim compliance, and inconsistent enforcement could lead to costly disputes. Ultimately, the limited benefits of a voluntary program, verifying only participating businesses and potentially confusing consumers, do not justify the financial and operational burdens it would place on the state. A more effective approach would be to focus on clear guidance and education for businesses rather than establishing a costly certification system.

10. Comment on Nonconsumer Package Labeling Clause

The labeling requirement that nonconsumer packages of ‘ōkolehao “bear a label clearly stating that the product is ‘Hawai‘i-distilled ‘ōkolehao made with Hawai‘i-grown kī” raises significant concerns. Under the bill, up to forty nine percent of the agricultural inputs, including kī, can be sourced from outside Hawai‘i. Yet the label implies that all kī used is locally grown, which may not be accurate. This creates the potential to mislead consumers about the true origin of the product and could expose producers to unnecessary liability, even if they are following the law. In its current form, the labeling provision is inconsistent with the bill’s stated goal of promoting authentic, Hawai‘i-sourced ‘ōkolehao and risks creating confusion for both producers and consumers.

Conclusion

In closing, I respectfully submit that HB2475, while well-intentioned in its desire to honor Hawai‘i’s heritage and support local industry, is built upon historical, legal and economic assumptions that do not withstand careful scrutiny. The bill codifies a fixed 51% kī root requirement unsupported by the documented historical record; imposes

a geographic restriction inconsistent with over two centuries of production history; attempts to transform a historically generic and adaptive spirit into a narrowly confined statutory product; risks conflict with established federal regulatory frameworks; raises serious concerns under the Interstate and Foreign Commerce Clauses; creates uncertainty regarding economic benefit; and introduces labeling and certification provisions that may mislead consumers, burden producers, and strain state resources.

‘Ōkolehao’s history is complex, adaptive, and rooted in cross-cultural exchange throughout the Pacific. It has evolved over time in response to available agricultural inputs, technological development and changing markets. The historical record demonstrates variability in ingredients, production methods, and location. Attempting to retroactively impose a rigid formula and exclusive geographic boundary upon such a tradition risks misrepresenting its authentic character rather than preserving it.

If the Legislature’s objective is to support Hawai‘i agriculture and promote Hawaiian-made products, there are alternative approaches that would better achieve those goals. A framework focused on clearly defined voluntary labeling for “Hawai‘i-distilled” or “Hawai‘i-grown kī” products without excluding historically accurate forms produced elsewhere would preserve consumer transparency while avoiding constitutional concerns and regulatory conflict.

I offer this testimony not in opposition to Hawai‘i’s cultural heritage, on the contrary, my work has been motivated by deep respect for the Pacific’s history and traditions, but in opposition to a statutory definition that risks distorting that history and creating legal and commercial consequences that may ultimately undermine the spirit it seeks to protect.

For these reasons, I respectfully urge the Committee to reconsider HB2475 in its current form and to undertake a careful re-examination of the historical record, regulatory landscape and constitutional implications before codifying a definition of ‘ōkolehao into law.

Mahalo for the opportunity to provide testimony and for your thoughtful consideration of these concerns.

Respectfully submitted,

Alexander Molyneaux.

Date: February 11th, 2026

Aloha Chair Ilagan, Vice Chair Hussey, and Members of the Committee,

My name is Naehalani Breeland, and I am the President and Co-Founder of Ola Brew, a Hawai'i Island community- and employee-owned brewery and distillery. Our mission is to strengthen Hawai'i's agricultural economy by sourcing local ingredients, and creating value-added products that reflect our islands' unique culture and heritage.

I am here in strong support of HB2475 because this bill protects Hawai'i's historic distilled spirit, 'Ökolehao, while unlocking its economic potential. 'Ökolehao is made from kī or ti root, a canoe plant with many daily uses, and has a documented history spanning over 230 years. This timeline begins its early distillation in iron pots in the 1790s to international recognition at the 1889 Paris Exposition, federal acknowledgment in the 1940s, and Congressional recognition in 1968. But never a legal definition.

HB2475 establishes clear production and labeling standards: at least 51% Hawai'i-grown kī root, distilled and bottled in Hawai'i. This ensures the economic benefits remain local. Legally protecting 'Ökolehao now positions it for economic growth similar to Kentucky bourbon, which generates \$10.6 billion annually, supports 24,000 jobs, and contributes \$372 million in state and local taxes. Even capturing a fraction of that market would create significant opportunities for Hawai'i farmers, distillers, and related industries.

History also shows the cost of inaction. Kona coffee has suffered economic dilution for decades because labeling and definitions were delayed. Strict protections were established only after long legal battles and settlements exceeding \$41 million. HB2475 ensures 'Ökolehao does not face the same fate, protecting both its heritage identity and economic value from the start.

By passing this bill, Hawai'i can create a thriving, place-based 'Ökolehao industry that strengthens agriculture, supports local jobs, attracts tourism, and builds a globally recognized premium export of the true spirit of Hawai'i.

Mahalo for your consideration and support.

Naehalani Breeland, President



Hawaiian Ola Brewing Corporation

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HB-2475

Submitted on: 2/12/2026 7:33:03 AM

Testimony for ECD on 2/13/2026 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip Fukushima	Iron Bottom Spirits	Support	Written Testimony Only

Comments:

Aloha to the Committee,

I'm writing on behalf of Iron Bottom Spirits, located at 75-6099 Kuakini Hwy, Kailua-Kona, HI, in support of House Bill 2475, to create labeling requirements for Okolehao, a traditional spirit of Hawaii. Iron Bottom Spirits and its investors have spent the last 5 years building its distillery in Kailua-Kona, which represents an investment of tens of millions of dollars. The distillery is fully complete and is in the process of starting production. One of several products in development is Okolehao. We fully support this legislation as part of a greater effort to establish Okolehao as a product that is uniquely Hawaiian and can be produced only in the State of Hawaii. Our belief is Okolehao can be developed into a product such as tequila and which can be produced solely in Hawaii and exported globally. The eventual economic impact to Hawaii could be in the billions of dollars. For example, tequila currently contributes \$3 billion annually to Mexico's GDP. This economic impact would support Hawaiian agriculture and manufacturing and create many jobs locally. Efforts are underway at the federal level to designate Okolehao as a Hawaii-only product. This state legislation would mirror those efforts. If any of the committee members would like to visit our Kailua-Kona distillery on your next trip to the Big Island, please reach out.

Mahalo,

Philip Fukushima, Iron Bottom Spirits, Kailua-Kona, HI, Tel (808) 989-3200

HB-2475

Submitted on: 2/12/2026 8:03:25 AM

Testimony for ECD on 2/13/2026 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brett Jacobson	Ola brew	Support	Written Testimony Only

Comments:

Aloha, Chair and Members of the Committee,

As leaders entrusted with shaping Hawai‘i’s future, you have before you a rare and meaningful opportunity. HB 2475 is not simply about a product — it is about establishing the framework for a new, high-value agricultural export industry that can compete on the global stage.

By protecting ‘Okolehao through clear and enforceable labeling standards, Hawai‘i can define and defend its own premium spirit category. Around the world, place-based spirits have demonstrated the economic power of origin protection. Bourbon has grown into a more than \$5 billion annual U.S. market, supporting agriculture, manufacturing, and tourism across Kentucky. Champagne, protected by geographic designation, commands a global market exceeding \$7 billion, precisely because its identity is legally defined and safeguarded.

These industries thrive not just because they produce alcohol, but because they protect authenticity. That protection allows them to command premium pricing, attract tourism, and build multi-generational agricultural economies. HB 2475 allows Hawai‘i to do the same.

This initiative creates opportunity well beyond bottle sales. Napa Valley welcomes approximately 3.7 million visitors annually, and the Kentucky Bourbon Trail attracts more than 2.7 million visitors each year, driven largely by agricultural and distillery tourism. Hawai‘i already receives millions visitors annually. Even modest incremental growth in farm-to-bottle tourism centered around ‘Okolehao could generate significant additional economic activity layered onto our existing visitor base.

Most importantly, this is a true value-added agricultural opportunity. Rather than exporting raw commodities, 'Okolehao represents farm-to-bottle production — high value per pound, economically viable for export, and rooted entirely in Hawai'i-grown inputs. If developed thoughtfully, even reaching a fraction of bourbon's scale — for example, 10% — could represent roughly \$500 million in new annual economic activity for our state. This is additive growth, not redistribution. It strengthens agriculture, expands exports, and supports rural communities.

Passing HB 2475 establishes the standards, boundaries, and identity that will shape this industry for decades to come. It signals that Hawai'i intends to build something enduring — not just for today, but for generations.

Mahalo for your leadership and thoughtful consideration of this important step forward.

sincerely,

Brett Jacobson

Cofounder, Ola Brew Co.

February 11, 2026

Hawai'i State Legislature
Committee on Hawaiian Affairs
Committee on Commerce and Consumer Protection
415 South Beretania Street
Honolulu, HI 96813

Re: Testimony in Strong Support of HB 2475 and SB 3248: 'Ökolehao Labeling Requirements

Aloha Chair, Vice Chair, and Members of the Committees:

My name is Ross Bourne and I am writing in **strong support** of HB 2475 and SB 3248, which would establish labeling standards for 'ökolehao, Hawai'i's only indigenous distilled spirit. I submit this testimony as an individual with deep personal ties to Hawai'i and as an investor in the 'ökolehao industry.

My wife was born and raised on the Kona Coast, attended Kealakehe High School, and her 'ohana still calls the Big Island home. For years, our family has traveled to Hawai'i regularly, and the Islands are not simply a vacation destination for us—they are home. Through this connection I have come to understand and appreciate how deeply intertwined agriculture, culture, and community identity are in Hawai'i. It is through this lens that I recognized the extraordinary potential of 'ökolehao and chose to invest in Ola Brew's mission to bring this historic spirit back to the world stage.

'Ökolehao has roots stretching to the late 1700s, when Hawaiians first distilled the fermented kī (ti) root into a spirit that was prized by ali'i and maka'āinana alike. 'Ökolehao earned international medals at the 1889 Paris World's Fair. Yet today, no labeling standards exist to protect the name, allowing products with no genuine connection to Hawai'i or kī root to trade on 'ökolehao's cultural heritage. This legislation corrects that.

The economic opportunity is substantial. The kī root is a botanical cousin of agave, the foundation of the multi-billion-dollar tequila industry. Ola Brew estimates that capturing just one percent of the U.S. tequila market with authentic 'ökolehao would generate approximately fifty to sixty million dollars annually in Hawai'i-grown agricultural products. That means thousands of acres under cultivation, new farming and distillery jobs, and a powerful draw for agritourism on the Big Island and beyond. These are not speculative numbers—Ola's 'ökolehao has already earned seven Double Gold medals and three Best in Class awards in the San Francisco and New York World Spirits Competitions, proving global consumer demand for this product.

Clear labeling standards protect consumers, reward local farmers, and give 'ökolehao the same foundation that turned bourbon, tequila, and champagne into engines of regional economic growth. As someone personally invested in Hawai'i's future through both family and financial commitment, I respectfully urge this committee to pass HB 2475 and SB 3248.

Mahalo for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "C. Ross Bourne" with a long horizontal flourish extending to the right.

Ross Bourne

February 11, 2026

Re: HB 2475 and SB 3248 – ‘Ōkolehao Labeling Standards

Dear Chair, Vice Chair, and Distinguished Members of the Committees:

I am writing to express my **strong support** for HB 2475 and SB 3248. I am a business owner based in California and a private investor in Ola Brew’s ‘ōkolehao distillery. I have spent my career evaluating market opportunities, and I believe this legislation addresses a critical gap that is currently holding back one of the most promising agricultural industries in Hawai‘i.

Without labeling protections, the term “‘ōkolehao” can be used by anyone, anywhere, on any product, regardless of whether it contains kī root, was made in Hawai‘i, or has any connection to the spirit’s two-hundred-year heritage. For investors and entrepreneurs trying to build a legitimate industry around this product, that uncertainty is a serious obstacle. Capital follows clarity, and right now the ‘ōkolehao category has none.

The market potential, however, is real. Kī root is a botanical cousin of agave, and ‘ōkolehao occupies a white space in the global spirits market that no other product fills. Ola Brew has already validated consumer demand: their ‘ōkolehao has earned seven Double Gold medals and three Best in Class awards between the New York and San Francisco World Spirits Competitions, competing against thousands of entries worldwide. Their plans include expanding kī cultivation to hundreds of acres across the Big Island, opening an oceanfront distillery at the historic Hilo Sugar Mill, and building a destination that will generate visitor spending and community revenue for years to come.

As a frequent visitor to Hawaii, I see the downstream effects of these investments firsthand. When local agriculture thrives, it supports jobs, stabilizes communities, and diversifies an economy that has long been dependent on tourism. The precedents are well established: bourbon generates over nine billion dollars annually for Kentucky, and Napa Valley's wine industry generates nearly twelve billion dollars in annual economic impact for Napa County alone. ‘Ōkolehao will not reach those figures overnight, but it may never reach them at all if any producer can dilute the name with inferior or inauthentic products.

HB 2475 and SB 3248 provide the definitional framework that this industry needs to grow responsibly and deliver a clean, authentic, Hawai‘i-made spirit to consumers around the world. I urge the committee to advance both measures.

Thank you for your consideration.

Sincerely,



Adon Panattoni

HB-2475

Submitted on: 2/11/2026 2:15:13 PM

Testimony for ECD on 2/13/2026 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alayna Kilkuskie	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of House Bill 2475

Aloha,

I am writing in strong support of House Bill 2475, which aims to establish protective labeling and standards for ‘Okolehao, Hawaii’s historic distilled spirit.

Much like Napa Valley wine and Kentucky bourbon, ‘Okolehao holds immense historical significance to place. By implementing similar protective measures, we can ensure that ‘Okolehao not only preserves its authenticity but also thrives economically.

The Napa Valley wine industry, for instance, generates billions in economic impact, supporting hundreds of thousands of jobs and contributing significantly to local and state revenues.

This success is rooted in strict regulations and geographic designations that protect quality and uniqueness. Similarly, Kentucky bourbon’s global reputation is built on its distinct production standards, including geographic origin and specific aging processes.

By adopting similar protections for ‘Okolehao, we have the opportunity to cultivate a thriving industry that benefits our local economy, creates jobs, and brings global recognition to Hawaii’s heritage. This bill is crucial in ensuring that ‘Okolehao’s revival is sustainable, authentic, and economically beneficial for generations to come.

Mahalo for your consideration,

Alayna Kilkuskie

HB-2475

Submitted on: 2/11/2026 3:02:36 PM

Testimony for ECD on 2/13/2026 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Steven Weiss	Individual	Support	Written Testimony Only

Comments:

My name is Steve Weiss and I purchased a piece of property near Naalehu on the Big Island 35 years ago and recently built my retirement home here. I have visited Hawaii every one of those 35 years and also purchased a small condo in the Kailua-Kona area more than 20 years ago. I am engaged with and admire Hawaii's culture, history and people. I love so many things about Hawaii but one of the things I love and respect the most is the Ola Brewery and the manner in which they are leading the way in the development of 'Okolehao.

Ola has always looked out for the interest of Hawaiians and the Hawaiian agriculture industry. Their support has been impressive and unwavering. Their effort to put 'Okolehao in a similar category to Napa Valley Wine and Kentucky Bourbon is an excellent idea that will protect and benefit Hawaii for many years to come.

By adopting similar protections for 'Okolehao, we have the opportunity to cultivate a thriving industry that benefits our local economy, creates jobs, and brings global recognition to Hawaii's heritage. This bill is crucial in ensuring that 'Okolehao's revival is sustainable, authentic, and economically beneficial for generations to come.

Mahalo for your consideration.

Steve Weiss, 94-5794 Kahiki Street, Naalehu, HI 96772

REBECCA VILLEGAS

*Council Member
District 7, Central Kona*



Phone: (808) 323-4267

Fax: (808) 329-4786

Email: Rebecca.villegas@hawaiiicounty.gov

HAWAII COUNTY COUNCIL

*County of Hawai'i
West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740*

February 11, 2026

TESTIMONY OF REBECCA VILLEGAS COUNCIL MEMBER,
HAWAII COUNTY COUNCIL
ON HB2475, RELATING TO LABELING REQUIREMENTS
Committee on Economic Development and Technology

Chair Ilagan and Vice Chair Hussey and Members of the Committee:

Thank you for the opportunity to testify in **support** of HB 2475, relating to labeling requirements for Ōkolehao. My testimony is submitted in my individual capacity as a member of the Hawaii County Council.

This measure is an important step toward protecting a culturally significant Hawaiian product that has been vulnerable to misuse due to the absence of clear standards. Ōkolehao is not just a distilled spirit—it is part of Hawai'i's cultural history and is directly tied to kī, a plant with deep cultural significance in Native Hawaiian practices. Kī has long been used for ceremony, healing, protection, and daily life, and its relationship to Ōkolehao is part of that broader cultural story.

I strongly support this bill because it provides long-overdue consumer protection and truth-in-labeling standards. HB2475 ensures that when a product is labeled as "Ōkolehao," the consumer can trust that it is authentically produced in Hawai'i and derived from Hawai'i-grown kī, rather than being marketed with Hawaiian names, imagery, or motifs that mislead the public.

This bill also supports Hawai'i's local producers and farmers by encouraging value-added agriculture and protecting local businesses from unfair competition. Just as other regionally distinctive products have benefited from clear standards of identity.

Finally, I appreciate that the bill aligns with and complements ongoing efforts to establish a federal standard of identity through the Alcohol and Tobacco Tax and Trade Bureau. Establishing a state-level definition is a practical and meaningful way to reinforce Hawai'i's leadership in protecting this distinctive spirit.

For these reasons, I respectfully urge the Committee on Economic Development and Technology to **Pass HB2475**.

Hawai'i County is an Equal Opportunity Provider and Employer.

Mahalo for the opportunity to provide testimony.

A handwritten signature in black ink, appearing to read 'Rebecca Villegas', with a stylized, cursive script.

Rebecca Villegas
Council Member, Hawai'i County Council

HB-2475

Submitted on: 2/11/2026 9:23:46 PM

Testimony for ECD on 2/13/2026 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Weiss	Individual	Support	Written Testimony Only

Comments:

Aloha, members of the committee.

My name is Susan Weiss and I am proud to say that after visting here for more than 30+ years, I have recently moved fulltime to Hawaii and have my Hawaii Driver's License. I have a great interest in the Hawaii community and businesses.

I urge your support for House Bill 2475 to protect 'Okolehao. We've witnessed the economic struggles Kona coffee faced due to delayed protections. For years, Kona coffee could appear on a label with only 10% Kona-grown beans, diluting authenticity. That mislabeling cost the Kona coffee sector dearly.

We cannot wait for 'Okolehao to face similar economic losses. By passing this bill, you protect 'Okolehao's identity from the start, ensuring local producers reap the full economic rewards. But this is bigger than Hawaii. This bill is the first step toward federal TTB recognition, leading to national and global protections. By acting now, you build a foundation for an industry that could drive economic growth. Your leadership today sets Hawai'i on a path where 'Okolehao's future economic success is secured from the outset both locally and far beyond.

Mahalo for your consideration and for reading my testimony.

Regards, Susan Weiss

February 11, 2026

The Honorable Members
Committee on Hawaiian Affairs
Committee on Commerce and Consumer Protection
Hawai'i State Legislature
415 South Beretania Street
Honolulu, HI 96813

Re: HB 2475 and SB 3248 – ‘Ōkolehao Labeling Requirements

Dear Chair, Vice Chair, and Members of the Committees:

I write in **strong support** of HB 2475 and SB 3248. My name is Noah von Blöm. I have spent my professional life at the intersection of food, culture, and community—as a chef, as an entrepreneur, and as a public servant. I also work with 5sentidos mezcal and have led multiple philanthropic efforts in Hawai'i, including disaster relief operations in the aftermath of the 2023 Lahaina wildfires.

I offer this testimony because I hold two perspectives that bear directly on this legislation. The first is personal. My work in Lahaina—standing alongside families who had lost everything, helping to organize resources and rebuild hope in a community brought to its knees—left me with an enduring commitment to the long-term economic resilience of Hawai'i's people. Recovery funding is essential in the short term, but what sustains a community over generations is the presence of rooted, place-based industries that create dignified work and keep wealth circulating locally. A protected ‘ōkolehao industry is precisely that kind of opportunity.

The second perspective is professional. As a partner in a mezcal brand, I operate within one of the world's most effective appellation frameworks. Mexico's denomination of origin for mezcal transformed what was once a regional moonshine into a globally respected spirit category worth billions and, more importantly, it channeled that value back to the rural farming communities where the agave is cultivated. I have seen what happens when an indigenous spirit is given proper legal definition: farmers invest in their land, artisan producers command fair prices, and consumers trust what they are purchasing. I have also seen what happens without those protections: imitation products flood the market, erode the name, and rob the communities of origin of the economic benefit they deserve.

‘Ōkolehao is Hawai'i's indigenous spirit, distilled from kī root since the late eighteenth century and once honored at the world's fairs in Paris and Chicago. As a chef, I can tell

you that the quality of what producers like Ola Brew are creating today with clean, terroir-driven, entirely Hawai'i-grown ingredients is extraordinary. What it lacks is the legal architecture to protect its integrity and ensure that consumers receive an honest product.

HB 2475 and SB 3248 provide that architecture. They protect Hawai'i's farmers, they protect consumers, and they lay the groundwork for an industry that can generate meaningful agricultural employment, destination tourism, and export revenue for the State. I am committed to supporting the structural economic opportunities that make these communities stronger and more self-sufficient over time.

I respectfully urge the committee to advance both measures.

With respect and appreciation,

Noah von Blöm

Former Mayor, Newport Beach

Partner, 5Sentidos

Dear Chair, Vice Chair, and Members of the Committee,

My name is Ilenia Chiaviello. Before addressing the substance of the bill, I wish to note that I am an Italian national with a longstanding interest in the history, culture, and traditional craft practices of Hawai‘i and the wider Pacific. I visited Hawai‘i in 2023 and travelled extensively across Pacific islands in 2024. My testimony is offered in good faith and out of respect for the historical and cultural integrity of okolehao.

I first encountered okolehao during my initial visit to Hawai‘i and have since consumed okolehao produced by Island Distillers and Hanalei Distillers. I also visited the Hanalei distillery on Kaua‘i, where I was disappointed to learn that there appeared to be little understanding of the documented history of okolehao. They described it as an “ancient Hawaiian spirit,” which does not align with the historical record. Despite producing and marketing the spirit, there seemed to be no awareness of William Stevenson, who is widely associated with its early development, nor of the broader historical context of the spirit.

I observed similar inaccuracies from Island Distillers on their public communications following my purchase of their product, including claims that an escaped Australian convict created the spirit, a statement that does not align with historical timelines as Australia did not exist as a nation in this period. This pattern of misinformation raised broader concerns for me about the state of historical knowledge surrounding the okolehao industry in Hawai‘i. While I am encouraged to see new interest in okolehao, including a new distillery in Hilo, I am also concerned by repeated historical inaccuracies from Ola Brew, including claims that Polynesians practiced distillation prior to external contact and may have independently produced the spirit. I encountered the following published statement: “Jacobson and Breeland are in the camp that believes the Hawaiians had likely already discerned the process of distillation for themselves, as there is evidence of early distilleries in places throughout Polynesia, such as Tahiti.” Narratives of this kind appear unsupported by verifiable historical evidence. The continued circulation of such claims risks undermining the credibility and reputation of okolehao. History and facts should not be shaped by marketing narratives at the expense of accuracy. Transparency and authenticity are essential principles, and in Italy, where I am from, these values are treated with great seriousness in the protection of artisanal food and drink heritage.

I mean no disrespect to current producers, and I am pleased that they continue to produce this rare spirit. However, the broader historical understanding of okolehao remains limited, and in some cases appears based on superficial or insufficient research. Claims that it is an ancient Hawaiian spirit are particularly problematic, as distilled alcohol was a post-contact introduction and is not recognized as part of traditional Native Hawaiian culture. This raises an important question: how can producers market a historic craft spirit without a clear understanding of its origins or authentic methods of production? Historically, production involved an imu, open-air fermentation and pot still distillation.

I respectfully oppose HB2475.

I oppose redefining okolehao in a way that does not reflect its true history or heritage. In one distillery, I observed the use of a continuous column still to produce okolehao, a method associated with industrial-scale alcohol production rather than traditional craft practice. Pot still distillation was historically the primary method available in the region for over a century. This experience highlighted, in my view, a broader lack of historical awareness. Any statutory definition should consider historically grounded production practices, rather than focusing narrowly on unsupported ingredient ratios.

The historical record does not support the narrow definition proposed in this bill. Okolehao is associated as early as the 1790s with William Stevenson, a British figure in Hawai'i. Its development occurred during a period of maritime exchange and foreign influence. It was not created in isolation, nor was it confined to a single fixed formula as it rapidly evolved to use other ingredients. Historically, okolehao has been produced using different ingredients and methods. There was no uniform 51 % ti-root requirement. I read an article from 2003 where a company called Sandwich Island Distilling released the recipe of their okolehao they were bringing to the market where the mash bill was to be 25% ti root, 20% rice, and 55% cane sugar. I am fairly confident the okolehao I drank was not 51% ti root as it was very sweet and made with sugarcane as well. Historic production varied depending on availability of fermentables, that variation is part of its history and should be honoured not overwritten.

HB2475 imposes a rigid statutory definition that does not account for that historical flexibility. In doing so, it risks transforming a living, evolving product into a legally restricted category based on a modern formulation rather than documented tradition.

HB2475 also appears to assume strict geographic exclusivity. However, the historical record shows that okolehao developed in a context of international maritime contact and exchange with British sailors. Given these influences, it is not historically inconsistent for variations of okolehao or related spirits to have appeared beyond Hawai'i. Historical references indicate similar distillation practices in other parts of the Pacific, including Tahiti and Pitcairn. A geographically rigid definition may therefore not fully reflect the historical reality of the spirit's development.

As someone with a deep interest in history and traditional craft spirits, I took care to study okolehao before offering this testimony. My opposition is grounded not in criticism, but in respect — respect for historical accuracy, for cultural heritage, and for the importance of preserving traditional products in a way that reflects their true origins and evolution.

For these reasons, I respectfully urge the Committee to reconsider HB2475 and avoid adopting a definition that may unintentionally misrepresent the historical development and character of okolehao.

Warm regards,
Ilenia Chiaviello

Objection to Proposed Legislation Establishing “Okolehao” as a Protected Hawaii-Only Spirit with Prescribed Composition and Labelling Requirements

To the Members of the Legislature,

My name is Sean Molyneaux

I am resident in the United Kingdom and I write in my capacity as a business owner and someone with a strong interest in the history and development of Okolehao. I have been working in collaboration with a master distiller with extensive experience in the historical research, production methodology and international trade of cane and root-derived spirits.

Our master distiller is an expert in recipe development, distilling, fermenting, storage and bottling and labelling who specialises in technically complex projects, recreating historical recipes, and category innovation. Over many years, he and his team have built a “state of the art” distillery which enables them to produce a wide variety of spirits and liqueurs including gin, vodka, eau de vie, amaretto and walnut liqueur.

In conjunction with me, he has developed a particular interest in the many spirits that have been created across Polynesia following the introduction of the art of distillation and has researched in particular, the origin of Okolehao and its development in many forms since its creation in the late 18th century.

I respectfully object to the proposed bill seeking to designate Okolehao as a geographically restricted product that may only be produced in Hawaii, with a mandatory minimum 51% ti root content and defined labelling standards, as a precursor to pursuing regional protection analogous to Tequila or Bourbon.

My objection is grounded in historical fact, linguistic usage, production reality and the economic consequences of imposing an artificial and ahistorical standard.

1. Okolehao Is Not an Indigenous Distilled Spirit in the Technical Sense

While ti root (*Cordyline fruticosa*) fermentation predates Western contact, the process of distillation, the defining technological step that transforms fermented substrate into a distilled spirit was introduced to Hawaii by Europeans in the late 18th century.

Pre-contact Hawaiian society did not possess copper pot stills, condensers, or the metallurgical knowledge necessary for spirit distillation. Historical accounts consistently attribute the first distilled Okolehao to post-contact experimentation using salvaged metal from ships and adapted Western still designs. In other words:

- The raw material (ti root) may be indigenous
- The distilled product is a post-contact hybrid, technologically dependent upon European methods.

It is historically inaccurate to frame Okolehao as an exclusively traditional Hawaiian distilled category. It is a product of cultural exchange between indigenous Hawaiians and British national over 200 years ago.

2. The Term “Okolehao” Is Generic in Usage and Has Been Applied Broadly Across Polynesia

Over the past two centuries, the term “Okolehao” (and variant spellings including “Okalehao”) has been used generically in:

- Academic literature;
- Ethnographic studies;
- Newspaper reporting;
- Trade references.

In these sources, the term has not been restricted to a single formula or geographic origin. Rather, it has been used to describe:

- Ti-root based spirits;
- Mixed vegetal mash spirits;
- Improvised “moonshine” style distillates;
- Spirituous liquors of Polynesian origin or inspiration.

The historical record shows linguistic drift and variation. Okolehao has functioned descriptively, not as a tightly controlled appellation. Attempting to retrospectively impose exclusivity on a term that has been used generically for over 200 years risks conflict with established principles of genericness in trademark and GI law.

A designation cannot legitimately be converted into a protected geographic indication if it has entered common descriptive usage across regions and producers.

3. There Has Never Been a Single Authoritative Production Standard

The historical production of Okolehao was neither uniform nor standardized. Early distillers utilised whatever fermentable substrates were available, including:

- Ti root;
- Banana;
- Rice;
- Bran;
- Pineapple;
- Breadfruit;
- Sugarcane;
- Taro;
- Sweet Potato.

Migrants, including Europeans and Chinese settlers contributed techniques, ingredients, and fermentation knowledge. The result was not a fixed formula, but a category of frontier distillates. Imposing a statutory 51% ti root requirement:

- Artificially narrows a historically fluid category;
- Rewrites production history;
- Excludes legitimate traditional variations;
- Converts a culturally adaptive spirit into a rigid industrial standard.

Unlike Tequila (which is fundamentally agave-based) or Bourbon (which is legally defined by grain composition but evolved within a more consistent mash bill tradition), Okolehao historically lacked a

singular compositional identity. Historic Hawaiian newspapers have verified to a spirit being Okolehao when no ti root has even been used.

Codifying one formula risks distorting the product's authentic historical diversity.

4. Okolehao Has Been Produced Outside Hawaii

There is documented evidence of:

- Commercial production in California in the 1990s;
- Commercial production in the United Kingdom.

It is clear that the production of Okolehao is not geographically confined to Hawaii. This demonstrates:

- The term has not been recognised as geographically exclusive;
- The market has recognized non-Hawaiian Okolehao as legitimate;
- The name has functioned as a style descriptor rather than a protected origin term.

In GI jurisprudence, prolonged acquiescence to external production materially weakens the argument for exclusive geographic protection.

5. The Bill Would Harm Existing Hawaiian Producers

Paradoxically, the bill risks harming the very industry it purports to protect by mandating:

- A minimum 51% ti root content;
- Prescribed production standards;
- Specific labelling restrictions;

The legislation would:

- Exclude innovative or historically legitimate variations;
- Increase raw material cost burdens;
- Disadvantage smaller craft producers;
- Restrict mash bill experimentation;
- Potentially eliminate producers whose formulations fall outside the mandated ratio.

Rather than strengthening local agriculture, such rigidity could:

- Reduce production diversity;
- Limit export adaptability;
- Create regulatory compliance barriers;
- Fragment the existing Hawaiian producer base.

A GI regime should unify and elevate producers, not impose arbitrary compositional thresholds that disadvantage some in favour of others.

6. Enforcement and Regulatory Oversight Will Impose Material Costs on the State of Hawaii

The proposed bill contemplates not merely a definitional statement, but an enforceable production standard - a minimum 51% ti root content, prescribed labelling conditions and the groundwork for regional protection analogous to established geographic indications. Such a framework necessarily creates an ongoing regulatory obligation for the State.

Unlike Bourbon, regulated federally by the TTB within an established national spirits compliance regime or Tequila, which operates through a well-funded Consejo Regulador del Tequila (CRT), Hawaii does not currently maintain a dedicated spirit-specific regulatory body with technical capacity for ingredient verification and process auditing.

To meaningfully enforce the proposed standards, the State would need to fund and administer:

a) Production Audits and Inspections

- On-site verification of mash bills and fermentation records;
- Review of distillation logs and batch documentation;
- Oversight of blending operations.

b) Laboratory Testing and Analytical Verification

- Quantitative analysis to confirm 51% ti root content;
- Isotope or compositional profiling where disputes arise;
- Ongoing sampling of commercial batches.

This would require either:

- Expansion of existing state laboratory capacity, or
- Contracting with accredited third-party laboratories.

Both options entail recurring expenditure.

c) Labelling Compliance Monitoring

- Pre-market label approval review;
- Retail market surveillance;
- Enforcement actions for non-compliant packaging.

d) Dispute Resolution and Litigation Exposure

- Administrative hearings;
- Civil enforcement proceedings;
- Defence against constitutional or interstate commerce challenges;
- Potential international trade disputes if foreign producers contest restrictions.

e) External Enforcement Efforts

If Hawaii seeks recognition comparable to Tequila or other GIs, the State would need to:

- Register and defend the designation domestically and internationally;
- Monitor global misuse;
- Fund enforcement actions abroad.

Such enforcement regimes are resource-intensive and sustained over decades, not symbolic exercises.

Cost-Benefit Consideration

Given that:

- The number of Okolehao producers is limited;
- Production volumes are comparatively small;
- The category lacks a standardized compositional identity;
- The term may face credible challenge as generic.

The projected enforcement cost may exceed any realistic incremental tax revenue or agricultural benefit generated by the designation.

Without a self-funded regulatory council supported by industry levies, similar to the CRT for Tequila, the fiscal burden would likely fall upon the general taxpayer.

Risk of Under-Enforcement

Equally concerning is the risk of under-resourced enforcement. A statute that cannot be consistently enforced:

- Creates regulatory uncertainty;
- Disadvantages compliant producers;
- Encourages uneven application of the law;
- Promotes illicit production of the spirit taking it back to the time when Okolehao was prohibited by law;
- Undermines the credibility of the designation.

Poorly funded protection is worse than no protection at all, as it invites legal challenge and market confusion.

Conclusion on Fiscal Grounds

Before advancing the bill, the Legislature should require:

- A full fiscal impact assessment;
- Projected administrative costs over a 10-year period;
- Identification of funding sources;
- Legal analysis of enforceability and genericness risk.

Absent such analysis, the proposal risks creating a permanent financial and administrative obligation disproportionate to the size and structure of the Okolehao category.

Respectfully submitted,

Sean Molyneaux
South-Western House
Southampton
Hampshire SO14 3AL
England, UK

Dear Chair, Vice Chair and Members of the Committee,

I am writing to formally object to HB2475, which seeks to protect the name Okolehao by restricting its production exclusively to Hawaii, mandating a minimum Ti root content of 51%, and imposing specific labelling requirements. My objection is based on the following grounds:

I respectfully object to the proposed bill on the following grounds:

1. Provenance

- a) Okolehao is a generic name across Polynesia. The term Okolehao has historically been used across Polynesia to describe a type of distilled spirit derived from various roots or sugars. Restricting its use to a single formula or geographic origin ignores its established status as a generic term for a type of spirit, rather than a proprietary or regionally unique product.
- b) Okolehao is not a traditional Hawaiian distilled spirit as the art of distillation was introduced to Hawaii by Europeans in the 18th Century.
- c) Okolehao has been produced outside Hawaii. Records show that Okolehao has been produced in locations outside of Hawaii, including California and Great Britain. Okolehao was produced in California in the 1990's by the LeVecke corporation in Mira Loma and there are court records available to confirm this fact. Imposing geographic restrictions on the name would unfairly restrict producers outside Hawaii who are legally producing a product long recognised by this name. Furthermore, restricting the name, ingredients, and place of origin ignores history and imposes unnecessary limits on free trade and competition.
- d) Traditional ingredients have always varied and no single formulation defines Okolehao. It is very well known that a wide range of roots, vegetables and fruits have been used in the production of Okolehao. While Ti root and sugar cane are commonly used in modern formulations, the historical production of Okolehao has included a wide variety of ingredients including banana, bran, kiwae beans, rice, pineapple, sugar cane, oranges and taro for over two hundred years. Limiting production exclusively to 51% Ti root imposes an artificial and unnecessary constraint on a traditional beverage that has always exhibited diversity in its formulation.

Mandating a single formula and geographic origin does not protect Hawaiian heritage, it restricts innovation and unfairly prevents legitimate producers both inside and outside Hawaii from using a name long recognised internationally.

- e) Conflict with free trade principle. HB2475's proposed protections restrict competition and innovation by dictating specific ingredients and labelling. Such restrictions go against the spirit of free trade and open commerce, which allows producers to create and market products under widely recognised, generic names.

2. Constitutional & Regulatory Issues

I would draw committee members attention to the following issues:

- a) Federal Pre-emption Under the Supremacy Clause

The Supremacy Clause of the United States Constitution (U.S. Const. art. VI, cl. 2) provides that federal law pre-empts conflicting state law. Distilled spirits labelling for products entering interstate commerce is governed by the Federal Alcohol Administration Act (27 U.S.C. § 201 et seq.) and its implementing regulations at 27 C.F.R. Part 5, administered exclusively by the Alcohol and Tobacco Tax and Trade Bureau (TTB).

Under this framework, any distilled spirit sold in interstate commerce must obtain a Certificate of Label Approval (COLA) from TTB. Federal courts have consistently held that where Congress establishes a comprehensive regulatory scheme intended to ensure national uniformity, conflicting state requirements are pre-empted. See, e.g., Capital Cities Cable, Inc.

v. Crisp, 467 U.S. 691 (1984) (holding that state alcohol regulation may not conflict with federal law governing interstate commerce).

HB2475 seeks to establish a state-specific definition and labelling requirements for Okolehao. However, there is currently no federal standard of identity for Okolehao under 27 C.F.R. Part 5. If the State mandates labelling terminology or production thresholds that differ from or exceed what TTB recognises, small producers could be placed in the untenable position of complying with state law while being denied federal COLA approval for interstate sales.

Such a conflict would trigger obstacle pre-emption because the state law would stand as an obstacle to Congress's objective of maintaining uniform national labelling standards for distilled spirits.

b) Absence of Geographic Exclusivity and Global Production History

Unlike federally recognised geographic indications such as "Cognac" or "Tequila," there are currently no federal or international legal restrictions preventing producers in other states or countries from producing and marketing a product as Okolehao, subject to general labelling rules.

Historically, products identified as Okolehao have been produced not only in Hawaii but also in other jurisdictions, including the State of California. I have also consumed Okolehao that has been made in Great Britain and the name has not been legally restricted to a single geographic origin under federal law or any international agreement.

Attempting to impose state-level exclusivity without corresponding federal recognition may therefore create confusion rather than clarity. Without federal action through TTB rulemaking, a Hawaii statutory definition cannot prevent producers elsewhere from manufacturing a similarly named product for markets outside Hawaii. This raises questions about the practical enforceability and effectiveness of HB2475's approach.

c) Limits of the Twenty-First Amendment

While the Twenty-First Amendment grants states authority over the importation and distribution of alcohol within their borders, the Supreme Court has repeatedly held that it does not authorise states to enact protectionist or discriminatory measures that burden interstate commerce. See *Granholm v. Heald*, 544 U.S. 460 (2005); *Tennessee Wine & Spirits Retailers Ass'n v. Thomas*, 588 U.S. (2019).

If HB2475's production and ingredient mandates effectively condition the use of the term Okolehao on in-state production and state-grown inputs, the statute risks scrutiny under the Dormant Commerce Clause if it burdens out-of-state commerce or interferes with federally regulated labelling in interstate markets.

Small distillers rely heavily on federal uniformity. Any state law that introduces uncertainty into the COLA process or restricts how a product may be labelled in interstate commerce directly affects economic viability.

3. Conclusions

I respectfully urge the Committee to reconsider or amend HB2475:

- a) In light of long-established historical usage and free trade principles.
- b) To avoid constitutional pre-emption issues, Commerce Clause concerns and regulatory conflicts with TTB's exclusive authority over interstate labelling.
- c) To consider the costs to the state from the bill. Okolehao is currently classified by the TTB as a Distilled Spirit Speciality which is provided at minimal cost to the state. HB2475 will significantly alter the classification exposing the state of Hawaii to significant

additional costs for a bureaucracy to administer laboratory testing, labelling compliance, litigation exposure and enforcement.

- d) To consider that its intentions overreach and risk harming commerce, tradition and consumer choice.

I thank you for accepting this submission and your careful consideration.

Graeme Lamb
1 Russet Way
Nottingham
NG8 3QD
England

Aloha Honorable members of the committee

HB 2475 is an opportunity to promote Aloha Aina, jobs and farming in Hawaii by production of Ti, *Cordyline fruticosa* under the protection of honest and clear label claims as seen in California for grapes grown for wine

I live in Honaunau, am a lifelong farmer and provide agronomy services to farmers through the Hawaii based Soil Culture Consulting Services LLC since 1994.

For 30 years i provided California wine growers in Napa and Sonoma counties with science-based information and consulting assistance in order to maintain healthy farm ecosystems and soils. I currently cultivate Ti and there are many parallels between wine farming and raising Ti for producing Okolehao that I believe are important to consider in regard to support for HG 2745.

The growing of high quality grapes that has created hundreds of thousands of farm jobs and billions of dollars in revenue would not have been possible without laws that protected the identify of grapes grown and which insured the consuming public right to know what they consume by honest label claims on wine bottles. Small wine growers created the economic success enjoyed today in Northern California and it was their struggle in the early years that enabled farmers to have the legal right honestly claim what they had grown. Hawaii has an opportunity to see into the future by seeing the success farms can have when their crops have honest protection by clear legal labels

HB 2475 has the potential to ensure the public that the place we love, Hawaii, is where the Ti was raised. Supporting our place in the farming world has the potential to increase both farm production revenue and soil health as there is a ever growing U.S. market that wants to know where their foods and beverages are produced and how they are produced.

Ti is a culturally significant plant in Hawaii with medicinal, culinary and spiritual uses in Hawaii. It's large root systems make irreplaceable carbon additions to soil which decrease soil erosion and elevates the health of soil. Ti is being raised successfully with organic farming practices in Hawaii and Ti is an excellent choice and important plant to diversify and maintain healthy balanced ecosystems in Hawaii.

A professional brewing company processing Ti to Okolehau can be a huge opportunity for small farms in Hawaii. The market for beverages similar to Okolehau is huge and this emulates the European wine makers who found that grapes grown in California had a distinctive character linked to place. This allowed creation of label laws that supported sales and created thousands of acres of vineyards.

By Ti being cultivated currently in Hawaii, a experienced brewing company that has made award winning Okolehau and by the needs for jobs, more farms and food security there is the appearance of a unique opportunity at this time to support HB 2475

Hawaii small farms can make a significant benefit to our island's needs for high quality jobs, food security and soil health by cultivating a plant that has adapted to Hawaii's ecosystem and which is revered by so many and which has cultural and historic significance.

Please support HG 2745 and Hawaii's farmers and all of our efforts to diversity, creat good jobs, grow more food and beverages by protecting the truth and the ability to make legal claim of where the crop was grown and how it was grown

Mahalo and Aloha,

Bob Shaffer, agronomist
Honaunau, Hawaii

HB-2475

Submitted on: 2/12/2026 8:04:32 AM

Testimony for ECD on 2/13/2026 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shawn Sousa	Individual	Support	Written Testimony Only

Comments:

Aloha, members of the committee. I am writing in strong support of HB 2475, even though I'm from California. I visit Hawaii frequently, and one of the things I cherish most is the authenticity of locally made products. When I enjoy something from the islands I want to know it's genuinely from Hawaii. That authenticity matters, and it's what I share with others when I return home.

By passing this bill, I can be confident that when I recommend 'Okolehao, it's authentically Hawaiian. I've seen too many products that aren't truly from Hawaii. When I tell friends about 'Okolehao, I want to speak with pride, knowing it's truly from the islands. This bill ensures that when I share 'Okolehao with friends across the U.S., my recommendation is backed by authenticity. I don't want to recommend something only to find out later it's not truly Hawaiian. With this bill, I can proudly say that 'Okolehao is protected, genuinely made in Hawaii. It would allow me, as a consumer, to be proud, confident, and accurate in sharing Hawaii's culture. Passing this bill will ensure that 'Okolehao becomes a symbol of authenticity, something I'll be proud to share, wherever I travel.