

ACT 242

H.B. NO. 496

A Bill for an Act Relating to Māmaki Tea.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that māmaki (*Pipturus albidus*) is a plant that is endemic to the Hawaiian islands, meaning that the Hawaiian islands are the only place in the world where māmaki grows naturally. Māmaki is found across the entire Hawaiian island chain from the island of Kauai to the island of Hawaii and flourishes at elevations between four hundred feet and six thousand feet.

The legislature further finds that māmaki tea is a growing agricultural commodity and believes that the implementation of labeling requirements would ensure the viability of Hawaii-grown māmaki tea.

Accordingly, the purpose of this Act is to protect Hawaii-grown māmaki tea by:

- (1) Prohibiting the use of certain words and misleading Hawaiian imagery, place names, and motifs on the label of a consumer package that contains or includes tea or dried leaves from the plant *Pipturus albidus*, unless one hundred per cent of the tea or dried leaves were cultivated, harvested, and dried in the State; and
- (2) Appropriating funds for one staff position for the department of agriculture to support enforcement of labeling regulations.

SECTION 2. Chapter 486, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

“§486- Māmaki tea; labeling requirements. (a) No label on a consumer package that contains or includes tea or dried leaves from the plant *Pipturus albidus* shall contain:

- (1) The words “Māmaki”, “Hawaii”, or “Hawaiian”, or any variation of these terms; or
- (2) Misleading Hawaiian imagery, place names, or motifs,

unless one hundred per cent of the tea or dried leaves were Hawaii-grown.

(b) Any nonconsumer package that contains tea or dried leaves from the plant *Pipturus albidus* grown in the State and introduced into intrastate or interstate commerce shall bear on the package a label stating that the package contains Hawaii-grown māmaki tea by using the words “Hawaii-grown māmaki tea”. This label shall be required in addition to all other labeling requirements specified in this chapter.

(c) Any person keeping, offering, displaying, exposing for sale, or soliciting for sale any tea or dried leaves from the plant *Pipturus albidus* subject to and labeled in accordance with subsection (a) shall make available to the administrator, upon demand, documented proof that the tea or dried leaves were Hawaii-grown.

(d) The department may establish and administer a voluntary certification mark program for purposes of compliance under this section.

(e) Any person or the department may sue for injunctive relief to compel compliance with this section.

(f) Any person who violates this section shall be subject to penalties under section 486-32.

(g) For the purposes of this section:

“Consumer package” has the same meaning as in section 486-1.

“Hawaii-grown” means a plant that is cultivated, harvested, and dried within the State of Hawaii.

“Nonconsumer package” has the same meaning as in section 486-1.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$65,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to establish one full-time equivalent (1.0 FTE) measurement standards inspector V position to support enforcement of labeling regulations pursuant to this Act.

The sums appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2025.

(Approved June 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.