

JAN 21 2026

A BILL FOR AN ACT

RELATING TO ADDITIVES IN FOOD.

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

1 SECTION 1. The legislature finds that numerous
2 petroleum-based synthetic food dyes and chemical additives have
3 been scientifically linked to adverse health effects, including
4 cancer, organ damage, and reproductive harm in addition to
5 hyperactivity, behavioral issues, and neurological problems in
6 children. On April 22, 2025, the United States Department of
7 Health and Human Services announced its initiative to phase out
8 petroleum-based food dyes from the American food supply. These
9 compounds offer zero nutritional benefit and pose dangers to
10 child development and public health.

11 The legislature further finds that the continued use of
12 these synthetic compounds is inconsistent with the State's
13 commitment to protecting public health. In response to concerns
14 of adverse health effects, over thirty jurisdictions have
15 banned, phased out, or highly regulated the use of many
16 petroleum-based synthetic food dyes and chemical additives.
17 Some of these jurisdictions include the United States Food and



1 Drug Administration, European Union, Japan, Singapore,
2 Australia, and states such as California and West Virginia. A
3 further twenty-three states are currently seeking to ban certain
4 food dyes and other additives in 2026 through legislation.
5 Further actions must take place to safeguard the State's
6 residents from unnecessary exposure to toxic chemicals in the
7 food supply.

8 Accordingly, the purpose of this Act is to ban the
9 manufacture, sale, offer of sale, or distribution in the State
10 of any food that contains certain petroleum-based synthetic food
11 dyes and synthetic chemical additives.

12 SECTION 2. Chapter 328, Hawaii Revised Statutes, is
13 amended by adding a new section to part I to be appropriately
14 designated and to read as follows:

15 **"§328- Additives in food; Petroleum-based synthetic dyes**
16 **and synthetic chemicals prohibited.** Beginning January 1, 2027,
17 it shall be unlawful to manufacture, sell, offer for sale,
18 distribute for sale, or distribute for use in the State any food
19 that contains any of the following substances:

20 (1) Azodicarbonamide (Chemical Abstracts Service number
21 123-77-3);



- 1 (2) FD&C Blue No. 1 (Chemical Abstracts Service number
2 3844-45-9);
- 3 (3) FD&C Blue No. 2 (Chemical Abstracts Service number
4 860-22-0);
- 5 (4) Citrus Red No. 2 (Chemical Abstracts Service number
6 6358-53-8);
- 7 (5) FD&C Green No. 3 (Chemical Abstracts Service number
8 2353-45-9);
- 9 (6) Orange B (Chemical Abstracts Service number
10 15139-76-1);
- 11 (7) Potassium Bromate (Chemical Abstracts Service number
12 7758-01-2);
- 13 (8) FD&C Red No. 3 (Chemical Abstracts Service number
14 16423-68-0);
- 15 (9) FD&C Red No. 30 (Chemical Abstracts Service number
16 2379-74-0);
- 17 (10) FD&C Red No. 40 (Chemical Abstracts Service number
18 25956-17-6);
- 19 (11) FD&C Yellow No. 5 (Chemical Abstracts Service number
20 1934-21-0); or



(12) FD&C Yellow No. 6 (Chemical Abstracts Service number
2783-94-0)."

SECTION 3. Section 328-6, Hawaii Revised Statutes, is amended to read as follows:

"§328-6 Prohibited acts. The following acts and the causing thereof within the State by any person are prohibited:

(1) The manufacture, sale, delivery, holding, or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded;

(2) The adulteration or misbranding of any food, drug, device, or cosmetic;

(3) The receipt in commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise;

(4) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of section 328-11, 328-12, or 328-17;

(5) The dissemination of any false advertisement;

(6) The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by



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1 sections 328-22 and 328-23 to 328-27, or to permit
2 access to or copying of any record as authorized by
3 section 328-23;

4 (7) The giving of a guaranty or undertaking which guaranty
5 or undertaking is false, except by a person who relied
6 on a guaranty or undertaking to the same effect signed
7 by, and containing the name and address of the person
8 residing in the State from whom the person received in
9 good faith the food, drug, device, or cosmetic;

10 (8) The removal or disposal of a detained or embargoed
11 article in violation of sections 328-25 to 328-27;

12 (9) The alteration, mutilation, destruction, obliteration,
13 or removal of the whole or any part of the labeling
14 of, or the doing of any other act with respect to a
15 food, drug, device, or cosmetic, if the act is done
16 while the article is held for sale and results in the
17 article being adulterated or misbranded;

18 (10) Forging, counterfeiting, simulating, or falsely
19 representing, or without proper authority using any
20 mark, stamp, tag, label, or other identification
21 device authorized or required by rules adopted under



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1 this part or regulations adopted under the Federal
2 Act;

3 (11) The use, on the labeling of any drug or in any
4 advertisement relating to the drug, of any
5 representation or suggestion that an application with
6 respect to the drug is effective under section 328-17,
7 or that the drug complies with that section;

8 (12) The use by any person to the person's own advantage,
9 or revealing other than to the department of health or
10 to the courts when relevant in any judicial proceeding
11 under this part, any information acquired under
12 authority of section 328-11, 328-12, 328-17, or
13 328-23, concerning any method or process which as a
14 trade secret is entitled to protection;

15 (13) In the case of a prescription drug distributed or
16 offered for sale in [~~this~~] the State, the failure of
17 the manufacturer, packer, or distributor thereof to
18 maintain for transmittal, or to transmit, to any
19 practitioner who makes written request for information
20 as to the drug, true and correct copies of all printed
21 matter [~~which~~] that is required to be included in any



1 package in which that drug is distributed or sold, or
2 ~~[such]~~ the other printed matter as is approved under
3 the Federal Act. Nothing in this paragraph shall be
4 construed to exempt any person from any labeling
5 requirement imposed by or under other provisions of
6 this part;

7 (14) (A) Placing or causing to be placed upon any drug or
8 device or container thereof, with intent to
9 defraud, the trade name or other identifying
10 mark, or imprint of another or any likeness of
11 any of the foregoing; ~~[or]~~

12 (B) Selling, dispensing, disposing of, or causing to
13 be sold, dispensed, or disposed of, or concealing
14 or keeping in possession, control, or custody,
15 with intent to sell, dispense, or dispose of, any
16 drug, device, or any container thereof, with
17 knowledge that the trade name or other
18 identifying mark or imprint of another or any
19 likeness of any of the foregoing has been placed
20 thereon in a manner prohibited by
21 subparagraph (A); or



1 (C) Making, selling, disposing of, or causing to be
2 made, sold, or disposed of, or keeping in
3 possession, control, or custody, or concealing,
4 with intent to defraud, any punch, die, plate, or
5 other thing designed to print, imprint, or
6 reproduce that trade name or other identifying
7 mark or imprint of another or any likeness of any
8 of the foregoing upon any drug, device, or
9 container thereof;

10 (15) Except as provided in part VI and section 461-1,
11 dispensing or causing to be dispensed a different drug
12 or brand of drug in place of the drug or brand of drug
13 ordered or prescribed without express permission in
14 each case of the person ordering or prescribing;

15 (16) The distribution in commerce of a consumer commodity
16 as defined in this part, if ~~such~~ the commodity is
17 contained in a package, or if there is affixed to that
18 commodity a label, which does not conform to this part
19 and of rules adopted under authority of this part;
20 provided that this prohibition shall not apply to
21 persons engaged in business as wholesale or retail



1 distributors of consumer commodities except to the
2 extent that ~~[such]~~ the persons:

3 (A) Are engaged in the packaging or labeling of
4 ~~[such]~~ the commodities; or

5 (B) Prescribe or specify by any means the manner in
6 which ~~[such]~~ the commodities are packaged or
7 labeled;

8 (17) The selling or dispensing in restaurants, soda
9 fountains, drive-ins, lunch wagons, or similar public
10 eating establishments of imitation milk and imitation
11 milk products in place of fresh milk and fresh milk
12 products respectively; of liquid or dry products
13 ~~[which]~~ that simulate cream but do not comply with
14 content requirements for cream in place of cream; of
15 non-dairy frozen desserts ~~[which]~~ that do not comply
16 with content requirements for dairy frozen desserts in
17 place of dairy frozen desserts; and of any other
18 imitation food or one made in semblance of a genuine
19 food in place of ~~[such]~~ the genuine food, unless the
20 consumer is notified by either proper labeling or
21 conspicuous posted signs or conspicuous notices on



1 menu cards and advertisements informing of [~~such~~] the
2 substitution, to include but not be limited to the
3 substitution of imitation milk in milk shake and
4 malted milk drinks;

5 (18) Wilfully and falsely representing or using any
6 devices, substances, methods, or treatment as
7 effective in the diagnosis, cure, mitigation,
8 treatment, or alleviation of cancer. This paragraph
9 shall not apply to any person who depends exclusively
10 upon prayer for healing in accordance with teachings
11 of a bona fide religious sect, denomination, or
12 organization, nor to a person who practices such
13 teachings;

14 (19) The selling or offering for sale at any food facility
15 [~~which~~] that serves or sells over the counter directly
16 to the consumer an unlabeled or unpackaged food that
17 is a confectionery [~~which~~] that contains alcohol in
18 excess of one-half of one per cent by weight unless
19 the consumer is notified of that fact by either proper
20 labeling or conspicuous posted signs or conspicuous
21 notices on menu cards and advertisements;



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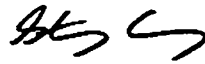
(20) The sale to a person below the age of twenty-one years of any food [~~which~~] that is a confectionery [~~which~~] that contains alcohol in excess of one-half of one per cent by weight[~~-~~]; and

(21) The manufacturing, selling, offering for sale, distributing for sale, or distributing for use any food in violation of section 328- ."

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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2026.

INTRODUCED BY: 



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Report Title:

Additives in Food; Petroleum-Based Synthetic Food Dyes;
Synthetic Chemicals; Prohibited

Description:

Beginning January 1, 2027, bans the manufacture, sale, offer of sale, or distribution in the State of any food that contains certain petroleum-based synthetic food dyes and synthetic chemical additives.

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

