
A BILL FOR AN ACT

RELATING TO ADDITIVES IN FOOD.

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

1 SECTION 1. Chapter 328, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§328- Additives in food; petroleum-based synthetic dyes
5 and synthetic chemicals prohibited. Beginning January 1, 2027,
6 it shall be unlawful to manufacture, sell, offer for sale,
7 distribute for sale, or distribute for use in the State any food
8 for human consumption that contains any petroleum-based
9 synthetic dyes and synthetic chemical additives."

10 SECTION 2. Section 328-6, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§328-6 Prohibited acts.** The following acts and the
13 causing thereof within the State by any person are prohibited:

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



- 1 (2) The adulteration or misbranding of any food, drug,
2 device, or cosmetic;
- 3 (3) The receipt in commerce of any food, drug, device, or
4 cosmetic that is adulterated or misbranded, and the
5 delivery or proffered delivery thereof for pay or
6 otherwise;
- 7 (4) The sale, delivery for sale, holding for sale, or
8 offering for sale of any article in violation of
9 section 328-11, 328-12, or 328-17;
- 10 (5) The dissemination of any false advertisement;
- 11 (6) The refusal to permit entry or inspection, or to
12 permit the taking of a sample, as authorized by
13 sections 328-22 and 328-23 to 328-27, or to permit
14 access to or copying of any record as authorized by
15 section 328-23;
- 16 (7) The giving of a guaranty or undertaking which guaranty
17 or undertaking is false, except by a person who relied
18 on a guaranty or undertaking to the same effect signed
19 by, and containing the name and address of the person
20 residing in the State from whom the person received in
21 good faith the food, drug, device, or cosmetic;



- 1 (8) The removal or disposal of a detained or embargoed
2 article in violation of sections 328-25 to 328-27;
- 3 (9) The alteration, mutilation, destruction, obliteration,
4 or removal of the whole or any part of the labeling
5 of, or the doing of any other act with respect to a
6 food, drug, device, or cosmetic, if the act is done
7 while the article is held for sale and results in the
8 article being adulterated or misbranded;
- 9 (10) Forging, counterfeiting, simulating, or falsely
10 representing, or without proper authority using any
11 mark, stamp, tag, label, or other identification
12 device authorized or required by rules adopted under
13 this part or regulations adopted under the Federal
14 Act;
- 15 (11) The use, on the labeling of any drug or in any
16 advertisement relating to the drug, of any
17 representation or suggestion that an application with
18 respect to the drug is effective under section 328-17,
19 or that the drug complies with that section;
- 20 (12) The use by any person to the person's own advantage,
21 or revealing other than to the department of health or



1 to the courts when relevant in any judicial proceeding
2 under this part, any information acquired under
3 authority of section 328-11, 328-12, 328-17, or
4 328-23, concerning any method or process which as a
5 trade secret is entitled to protection;

6 (13) In the case of a prescription drug distributed or
7 offered for sale in [~~this~~] the State, the failure of
8 the manufacturer, packer, or distributor thereof to
9 maintain for transmittal, or to transmit, to any
10 practitioner who makes written request for information
11 as to the drug, true and correct copies of all printed
12 matter [~~which~~] that is required to be included in any
13 package in which that drug is distributed or sold, or
14 [~~such~~] other printed matter as is approved under the
15 Federal Act. Nothing in this paragraph shall be
16 construed to exempt any person from any labeling
17 requirement imposed by or under other provisions of
18 this part;

19 (14) (A) Placing or causing to be placed upon any drug or
20 device or container thereof, with intent to
21 defraud, the trade name or other identifying



1 mark, or imprint of another or any likeness of
2 any of the foregoing; [~~or~~]

3 (B) Selling, dispensing, disposing of, or causing to
4 be sold, dispensed, or disposed of, or concealing
5 or keeping in possession, control, or custody,
6 with intent to sell, dispense, or dispose of, any
7 drug, device, or any container thereof, with
8 knowledge that the trade name or other
9 identifying mark or imprint of another or any
10 likeness of any of the foregoing has been placed
11 thereon in a manner prohibited by subparagraph
12 (A); or

13 (C) Making, selling, disposing of, or causing to be
14 made, sold, or disposed of, or keeping in
15 possession, control, or custody, or concealing,
16 with intent to defraud, any punch, die, plate, or
17 other thing designed to print, imprint, or
18 reproduce that trade name or other identifying
19 mark or imprint of another or any likeness of any
20 of the foregoing upon any drug, device, or
21 container thereof;



- 1 (15) Except as provided in part VI and section 461-1,
2 dispensing or causing to be dispensed a different drug
3 or brand of drug in place of the drug or brand of drug
4 ordered or prescribed without express permission in
5 each case of the person ordering or prescribing;
- 6 (16) The distribution in commerce of a consumer commodity
7 as defined in this part, if [~~such~~] the commodity is
8 contained in a package, or if there is affixed to that
9 commodity a label, which does not conform to this part
10 and of rules adopted under authority of this part;
11 provided that this prohibition shall not apply to
12 persons engaged in business as wholesale or retail
13 distributors of consumer commodities except to the
14 extent that [~~such~~] the persons:
- 15 (A) Are engaged in the packaging or labeling of
16 [~~such~~] the commodities; or
- 17 (B) Prescribe or specify by any means the manner in
18 which [~~such~~] the commodities are packaged or
19 labeled;
- 20 (17) The selling or dispensing in restaurants, soda
21 fountains, drive-ins, lunch wagons, or similar public



1 eating establishments of imitation milk and imitation
2 milk products in place of fresh milk and fresh milk
3 products respectively; of liquid or dry products
4 [~~which~~] that simulate cream but do not comply with
5 content requirements for cream in place of cream; of
6 non-dairy frozen desserts [~~which~~] that do not comply
7 with content requirements for dairy frozen desserts in
8 place of dairy frozen desserts; and of any other
9 imitation food or one made in semblance of a genuine
10 food in place of [~~such~~] the genuine food, unless the
11 consumer is notified by either proper labeling or
12 conspicuous posted signs or conspicuous notices on
13 menu cards and advertisements informing of [~~such~~] the
14 substitution, to include but not be limited to the
15 substitution of imitation milk in milk shake and
16 malted milk drinks;

17 (18) Wilfully and falsely representing or using any
18 devices, substances, methods, or treatment as
19 effective in the diagnosis, cure, mitigation,
20 treatment, or alleviation of cancer. This paragraph
21 shall not apply to any person who depends exclusively



1 upon prayer for healing in accordance with teachings
2 of a bona fide religious sect, denomination, or
3 organization, nor to a person who practices [~~such~~]
4 those teachings;

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

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

17 (21) The manufacturing, selling, offering for sale,
18 distributing for sale, or distributing for use any
19 food for human consumption in violation of section
20 328- ."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

6 SECTION 5. This Act shall take effect upon its approval.

7



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 for human consumption that contains petroleum-based synthetic food dyes and synthetic chemical additives. (SD1)

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

