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# 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.*

