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Testimony COMMENTING on SB2112
RELATING TO ADDITIVES IN FOOD

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date, Time and Room Number: 02/18/2026, 3:15 pm, 224

Fiscal Implications: This measure may impact the priorities identified in the Governor's Executive Budget Request for the Department of Health's ("Department") appropriations and personnel priorities. The proposed requirements will necessitate additional staff time, effort, and funding.

The Department notes that a one-time expenditure of approximately $600,000 for specialized laboratory equipment to test potentially violative products to verify compliance, and annual funding of approximately $200,000 for equipment maintenance and laboratory supplies, two full-time equivalent laboratory chemist positions, and two full-time equivalent inspector positions would be necessary to implement this measure.

Department Position: The Department offers comments on this measure.

Department Testimony: The Environmental Health Services Division, Food and Drug Branch ("EHSD-FDB") provides the following testimony on behalf of the Department:

SB2112 prohibits the manufacture, sale, and distribution of any food that contains any petroleum-based synthetic dyes and synthetic chemical additives.

The mission of the Department is to protect and improve the health and environment for all people in Hawai‘i. Ensuring that the food we consume is safe and free from potentially harmful additives and food dyes supports the Department's mission.

The Department notes that SB2112 does not define "petroleum-based synthetic dyes" and "synthetic chemicals." The broad prohibition against all petroleum-based synthetic dyes and synthetic chemical additives appears to come from an underlying implication that all petroleum-based synthetic dyes and synthetic chemical additives are not safe for consumption. This may not be accurate, as many of these dyes and additives have been vetted by the United States ("U.S.") Food and Drug Administration ("FDA"), and a prohibition may significantly reduce options for food production, purchase, and consumption in the State. Specifically, enacting this measure would have the unintended consequence of prohibiting common products such as Diet Coke and other diet beverages (aspartame); Campbell's chicken noodle soup (monosodium glutamate); bacon, Portuguese sausage, and SPAM (sodium nitrite); and other popular food products. The Department also notes that the U.S. FDA, is currently working with food manufacturers to phase out the use of many petroleum-based synthetic dyes by 2027. One such dye, Red No. 3, has already been prohibited for use in food.

The Department notes the challenges to implement this measure due to a lack of resources, particularly the positions, funding, and laboratory testing equipment necessary to conduct analysis of potentially violative products and conduct enforcement activities.

Offered Amendments: None.

Thank you for the opportunity to testify on this measure.

Testimony of Jennifer Gardner
Director of State Government Affairs, National Confectioners Association
Hawaii Senate Committee on Agriculture and Environment
Hearing on Senate Bill 2112

February 18, 2026

Chairman Mike Gabbard and members of the Senate Committee on Agriculture and Environment, my name is Jennifer Gardner, and I am providing testimony on behalf of the National Confectioners Association. Thank you for the opportunity to share testimony during today's hearing to discuss pending food and color additive restriction legislation. While our association supports a rigorous post-market assessment of food and color additives and a strong food safety system, Senate Bill 2112 would further an unworkable state patchwork approach to food and color additive restrictions, and we respectfully oppose the legislation.

The National Confectioners Association (NCA) is the leading trade organization for the $54 billion U.S. confectionery industry. NCA represents manufacturers, wholesalers, and suppliers of chocolate, candy, gum, and mints, supporting more than 4,000 jobs in Hawaii through direct and indirect economic activity and generating over $388 million in total economic output in the State.

As heavily regulated food manufacturers with national distribution networks, our members must follow a unified federal standard administered by the Food and Drug Administration (FDA). Different laws in all 50 states would severely disrupt the economy as a whole and Hawaii in particular, as the state is geographically isolated and imports between 85-90% of its food.

When FDA approved ingredients are subject to varying state-specific restrictions with differing effective dates, it can significantly disrupt product ingredient sourcing and supply chain networks that are ill-equipped to manage state-by-state variances. Under Senate Bill 2112, manufacturers would have less than a year to reformulate impacted products, an effective date that is one year earlier than food ingredient restriction laws adopted in Arkansas and West Virginia. There is also a current lack of uniformity across the three states (Arkansas, California, and West Virginia) that have now finalized statewide food and color additive restrictions, and the adoption of any new state law would only exacerbate current food production challenges.

Restrictions on food and color additives also would contribute to higher food costs for Hawaii consumers at a time when affordability remains a key concern. An emerging analysis of the financial impact of the synthetic food dye law in West Virginia estimates that consumers will pay nearly $300 million in additional grocery spending annually due to the state's ban on synthetic food dyes. Hawaii residents already pay roughly 33% more for groceries than the U.S. average, according to analyses based on Bureau of Labor Statistics data, and any additional costs would only exacerbate existing food pricing challenges for Hawaiians.

Additionally, food manufacturers will be challenged to understand and address Hawaii's proposed restrictions on synthetic dyes and chemicals, due to the lack of specificity provided in Senate Bill 2112. The legislation does not define the terms 'petroleum-based synthetic dyes' or 'synthetic chemical additives,' creating an arbitrary and vague restriction on any number of unspecified food ingredients across thousands of items. Such a restriction could impact anything from Spam to shave ice syrups in Hawaii.

Senate Bill 2112 also would impose new enforcement and programmatic responsibilities on the Hawaii Department of Health when the agency is already facing significant federal cuts that could cause the loss of approximately $400 million in Medicaid spending, according to the University of Hawaii Economic Research Organization. A collaborative approach between state and federal policymakers preserves our national food safety system while safeguarding limited state resources.

Over the past two years, FDA has accelerated its work to evaluate food and color additive safety. The agency has updated its list of select chemicals under review, and FDA also released a proposed, multi-criteria ranking system for chemicals in the food supply, underscoring the agency's focus on regulating food and color additives. These actions are in addition to FDA's revocation of Red Dye 3 and brominated vegetable oil, the launch of a post-market assessment of butylated hydroxyanisole, and review of synthetic color additives. FDA has already restricted or is actively reviewing targeted additives proposed for statewide restriction under Senate Bill 2112.

Last year, FDA also announced its intent to collaborate with industry to address synthetic color additives in the food supply. Since then, the agency has proposed revoking Orange B, approved three new natural food colors, and confirmed the agency's intent to work with the NIH Nutrition Regulatory Science and Research Program to "enhance nutrition and food-related research to better inform regulatory decisions." Simultaneously, many food manufacturers have voluntarily committed to product reformulations to limit certain color additives.

Ongoing product reformulations are complex and time-intensive, and any ingredient changes must be carefully evaluated for product safety, taste, and shelf-life repercussions. The product reformulation process of innovation, validation, and commercialization can take up to three years from initiation to launch, due to the potentially disruptive nature of ingredient changes on the overall product. State actions to further restrict food ingredients while changes to product ingredients are already underway will only impede manufacturers working to meet consumer demand for products with fewer food and color additives.

Supporters of state food and color additive prohibitions have alleged that FDA is not capable of keeping the nation's food supply safe, so states must act. However, the substantive agency actions referenced refute this narrative. As FDA continues its work to review food and color additives on behalf of all states, state proposals to establish varying restrictions on previously approved food ingredients only create uncertainty in the market.

Instead of adopting a state specific approach to food ingredient restrictions, we urge you to support our national food safety system to maintain uniform access to safe, affordable foods in every state and respectfully request your opposition to Senate Bill 2112.

Thank you for allowing me to provide testimony to share our feedback and concerns.

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TO: Committee on Agriculture and Environment
FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 18, 2026
TIME: 3:15pm

RE: SB2112 Relating to Additives in Food
Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, manufacturers and distributors of food and beverage related products in the State of Hawaii.

Currently food dyes and additives are regulated at the Federal level for several important reasons. Most states, including Hawaii, do not have the level of testing capacity or budget needed to conduct the type rigorous scientific studies that determine what is safe for human consumption at what level.

Creating a patchwork of state by state regulations that makes Federally legal products illegal only in Hawaii also disadvantages Hawaii food manufacturers, suppliers, retailers, and consumers.

We don't think it is a good policy to set up an ingredient regulatory framework that is not based in science and lacks uniformity across the U.S. Additionally, this bill does not define key terms -- meaning the legislation would lead to significant confusion about what ingredients are impacted and banned.

Color additives serve essential functions in pharmaceutical products and dietary supplements that extend far beyond aesthetics. Color coding helps patients distinguish between different medications and dosage strengths, preventing potentially fatal medication errors. Distinctive coloring also helps healthcare providers, pharmacists, and patients identify authentic medications and reject counterfeits, which is critical for patient

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safety and supply chain integrity. Many patients, particularly elderly and pediatric populations, rely on visual identification of their medications. Sudden changes in appearance due to color restrictions could lead to non-adherence, confusion about medications purchased, and ultimately worse health outcomes that could include hospitalization or accidental poisoning.

Certain color additives serve as indicators of product stability and quality. Color changes can signal degradation, contamination, or improper storage conditions. Natural colorants are not always a better or safer alternative for drugs and dietary supplements—they are far less stable, can fade quickly, shift with pH, or break down under heat and light, often requiring major reformulation and entirely new quality control systems. Natural colorants can also introduce new allergens or unwanted flavors, making them unpredictable for tightly controlled drug and supplement formulations.

Creating a patchwork of conflicting state regulations for FDA-regulated products undermines the uniform federal regulatory framework that has successfully protected American consumers for decades. Federal drug and dietary supplement regulations may preempt state-level ingredient restrictions, potentially subjecting Hawai'i to costly litigation. National manufacturers and distributors may avoid the Hawai'i market entirely rather than navigate conflicting state and federal requirements, and Hawai'i could become isolated from national supply chains— creating vulnerability during public health emergencies or natural disasters.

It is important to note that similar legislation in other states has already encountered significant legal challenges. West Virginia is currently the only state to have passed a comparable ban on synthetic food dyes, and that law is now subject to ongoing litigation, with a federal judge recently siding with the plaintiff and requesting that implementation of the law be paused. Texas has faced a similar injunction. These cases demonstrate the significant legal vulnerability Hawai'i would face if SB 2112 is enacted. These cases underscore the conflicts between state ingredient bans and the existing federal regulatory framework.

The Federal Food and Drug Administration (FDA) has already removed certain synthetic dyes from their approved additive food list in response to current public sentiment around

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this issue. They have also announced additional actions to support companies transitioning to natural dyes over the next year.

We believe that given the FDA plans and the burden that this measure would create for Hawaii businesses and consumers that it should be held at this time.

Thank you for the opportunity to testify.

AMERICAN BEVERAGE
DRIVING SOLUTIONS TOGETHER

Written Testimony of
David Thorp, American Beverage Association
Before the Senate Committee on Agriculture and Environment
In Opposition to S.B. 2112: Relating to Additives in Food
February 18, 2026

Good afternoon, Chair Gabbard, Vice Chair Richards, and members of the committee. Thank you for the opportunity to comment in opposition to S.B. 2112 – relating to additives in food.

I am David Thorp, Vice President, State Government Affairs West for the American Beverage Association (ABA). The American Beverage Association is the trade association representing the non-alcoholic beverage industry across the country and here in Hawaii.

The Facts About Ingredient Safety:
The science shows Americans should have complete confidence in the safety of their favorite beverages. All common beverage colors have been subjected to rigorous scientific review for safety and have been approved for consumption by multiple regulatory agencies and authoritative bodies worldwide.

All common beverage ingredients – colors and sweeteners – have been formally evaluated and approved by the Food and Drug Administration (FDA) as well as regulatory bodies in Canada, the European Union and the Joint FAO/WHO Expert Committee on Food Additives.

The FDA is the nation's food safety regulator with a stated mission to ensure the safety of our nation's food supply. It possesses the expertise, resources and authority to make evidence-based determinations on ingredient safety and labeling.

State Patchwork Casts Doubt on Consumer Confidence:
A state patchwork of ingredient warnings, restrictions or bans will only confuse consumers about why certain products are allowed or disallowed in other states. It also casts doubt on the confidence consumers need to have in food safety regulations and regulators.

All common beverage ingredients have been evaluated and approved by regulatory bodies around the world. For this reason, we request a NO vote on S.B. 2112.

Sincerely,

David Thorp

David Thorp
American Beverage Association
Vice President, State Government Affairs West

CHPA® | CONSUMER HEALTHCARE PRODUCTS ASSOCIATION

Taking healthcare personally.

February 16, 2026

Senator Mike Gabbard, Chair
Committee on Agriculture and Environment
Hawai'i State Capitol, Room 201
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: Opposition to SB 2112 – Relating to Additives in Food

Dear Chairman Gabbard:

On behalf of the Consumer Healthcare Products Association (CHPA)[1], I write to respectfully oppose SB 2112 and request that Food and Drug Administration (FDA) regulated drugs and dietary supplements be explicitly exempted from this legislation. CHPA supports consumer protection and transparency, but this bill as drafted would create significant unintended consequences for patient safety and access to essential dietary supplements without providing meaningful additional consumer protection beyond the comprehensive federal framework already in place.

Since dietary supplements are legally classified as food under federal law (21 U.S.C. § 321(ff)), and SB 2112 broadly targets "food" without exempting FDA-regulated products, these measures would inadvertently impact FDA-regulated dietary supplements and potentially over-the-counter drugs. This creates serious implications for patient care and public health in Hawai'i.

Patient Safety and Medication Adherence

Color additives serve essential functions in pharmaceutical products and dietary supplements that extend far beyond aesthetics. Color coding helps patients distinguish between different medications and dosage strengths, preventing potentially fatal medication errors. Distinctive coloring also helps healthcare providers, pharmacists, and patients identify authentic medications and reject counterfeits, which is critical for patient safety and supply chain integrity. Many patients, particularly elderly and pediatric populations, rely on visual identification of their medications. Sudden changes in appearance due to color restrictions could lead to non-adherence, confusion about medications purchased, and ultimately worse health outcomes that could include hospitalization or accidental poisoning.

Stability, Quality Control, and Reformulation Challenges

Certain color additives serve as indicators of product stability and quality. Color changes can signal degradation, contamination, or improper storage conditions. Natural colorants are not always a better or safer alternative for drugs and dietary supplements—they are far less stable, can fade quickly, shift with pH, or break down under heat and light, often requiring major reformulation and entirely new quality control systems. Natural colorants can also introduce new allergens or unwanted flavors, making them unpredictable for tightly controlled drug and supplement formulations. Additionally, natural colorants require significantly more water, land,

[1] Consumer Healthcare Products Association is the Washington, D.C. based national trade association representing the manufacturers of over-the-counter (OTC) medications, dietary supplements, and OTC medical devices

and energy to produce and generate more complex waste streams than their synthetic counterparts.

A Comprehensive Federal Framework Already Protects Consumers

The U.S. FDA maintains one of the world's most rigorous regulatory frameworks for color additives. All color additives used in drugs and dietary supplements must undergo comprehensive safety testing and receive approval before use, including long-term toxicity studies, reproductive and developmental studies, and carcinogenicity assessments. The FDA continuously reviews safety data on approved color additives and can modify or revoke approval if new safety concerns emerge. Synthetic color additives require batch-by-batch certification by the FDA, ensuring consistent quality and purity standards. Manufacturers must also comply with current Good Manufacturing Practice regulations (21 CFR Parts 210, 211 for drugs; 21 CFR Part 111 for dietary supplements). This robust federal framework provides consumer protection that state-level ingredient bans cannot improve upon.

Medication and Supplement Access Disruptions and Increased Costs

If SB 2112 is implemented without exemptions for FDA-regulated products, Hawai'i residents could face limited access to essential medications and dietary supplements. Many over-the-counter (OTC) drugs contain the targeted color additives. Manufacturers may choose not to reformulate products specifically for Hawaii's relatively small market, creating shortages of essential health products. Where reformulation does occur, costs will likely be passed on to consumers and healthcare systems, making medications and dietary supplements more expensive for Hawai'i residents at a time when healthcare affordability is already a pressing concern.

Regulatory Conflicts, Legal Uncertainty, and Litigation Risk

Creating a patchwork of conflicting state regulations for FDA-regulated products undermines the uniform federal regulatory framework that has successfully protected American consumers for decades. Federal drug and dietary supplement regulations may preempt state-level ingredient restrictions, potentially subjecting Hawai'i to costly litigation. National manufacturers and distributors may avoid the Hawai'i market entirely rather than navigate conflicting state and federal requirements, and Hawai'i could become isolated from national supply chains—creating vulnerability during public health emergencies or natural disasters.

It is important to note that similar legislation in other states has already encountered significant legal challenges. West Virginia is currently the only state to have passed a comparable ban on synthetic food dyes, and that law is now subject to ongoing litigation, with a federal judge recently siding with the plaintiff and requesting that implementation of the law be paused. Texas has faced a similar injunction. These cases demonstrate the significant legal vulnerability Hawai'i would face if SB 2112 is enacted without proper exemptions, and they underscore the conflicts between state ingredient bans and the existing federal regulatory framework.

A Proven Path Forward: The Texas and Louisiana Approach

Two states have successfully addressed concerns about color additives in food while protecting access to essential health products. Rather than implementing outright bans, Texas and Louisiana adopted a warning label approach that preserves consumer choice and market access. Critically, legislators in both states recognized the essential role of color additives in drugs and dietary supplements and explicitly exempted both categories from their legislation.

This balanced approach achieved the legislative goal of consumer transparency without creating the unintended consequences of medication shortages, increased healthcare costs, or regulatory conflicts with federal law.

Request

CHPA opposes SB 2112 as drafted and respectfully requests that this Committee amend the bill to explicitly exempt FDA-regulated drugs and dietary supplements from its scope. Such an exemption would align Hawai'i's approach with the precedents established in Texas and Louisiana, where similar legislation included explicit protections for these essential health products. This amendment would allow Hawai'i to advance its consumer protection goals while safeguarding patient safety, medication access, and the health of all Hawai'i residents.

We appreciate the Committee's consideration of these concerns and welcome the opportunity to work with the legislature to craft legislation that protects both consumers and patients.

Respectfully submitted,

Carlos I. Gutiérrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
cgutierrez@chpa.org | 202-429-3521

FOOD INGREDIENT SAFETY COALITION

Testimony of
The Food Ingredient Safety Coalition
Opposition to Senate Bill 2112
Senate Committee on Agriculture & Environment

Mr. Chairman and Members of the Committee.

Thank you for the opportunity to provide a statement of opposition to Senate Bill 2112.

The Food Ingredient Safety Coalition represents a broad section of America's food, beverage, and ingredient industries. Our members source, manufacture, distribute, and sell safe and wholesome products in Hawaii and across the United States. The safety and quality of what we make is of the highest importance, and we share a commitment to a strong national food safety system.

This bill proposes to make it "unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for use in the state any food that contains any petroleum-based synthetic dyes and synthetic chemical additives." That raises several issues of great concern.

First, there are no recognized terms in the U.S. to define either petroleum-based synthetic dyes or synthetic chemical additives. However, federal regulations do define the term "artificial color" to include virtually all added substances.[1] This can include ingredients, "from a vegetable, animal, mineral, or other source and that, when added or applied to a food, drug, or cosmetic or to the human body or any part thereof, is capable (alone or through reaction with another substance) of imparting a color thereto."[2] There are no corresponding definitions addressing "synthetic chemical additives".

The language in SB 2112 is so vague it proposes to criminalize virtually every food and beverage product found on state store shelves. The universe of products encompassed is immense.

Secondly, product reformulation is very costly and time consuming for companies. If alternative ingredients exist, they must be evaluated for their own safety. As differing restrictions are proposed in states around the U.S. demand for these ingredients is greatly increased and supplies will be limited. These impacts will be felt at the checkout line.

Third, SB 2112 proposes making it illegal to manufacture, distribute or sell any products containing these undefined ingredients. This creates significant liability concerns for companies. It will create tremendous hardship on Hawaii-based companies wishing to share their products in

[1] https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-101/subpart-B/section-101.22#p-101.22(a)(4)
[2] https://www.ecfr.gov/current/title-21/chapter-I/subchapter-A/part-70#p-70.3(f)

the state or with the rest of the country as it does not correspond with any existing or proposed law in the United States.

The U.S. has the safest, most efficient, and affordable food system in the world, with a nationwide approach to food ingredient grounded in science. The U.S. Food & Drug Administration (FDA) has a thorough, rigorous, and now evolving process to evaluate food substances. SB 2112 undermines that system and the scientific process in a way that will greatly impact Hawaiians.

Rather than adopt this extreme and harmful legislation, we urge you to work collaboratively with the FDA and the Congress to pursue unified, science-based, national standards.

To help us achieve our shared goals, it is crucial that we get food safety right and critical that science properly informs policies. SB 2112 will only increase consumer and company confusion.

For these reasons, we are opposed to Senate Bill 2112.

Thank you again for this opportunity.

pet food institute
Promoting long and healthy lives since 1958.

RE: Hawaii SB 2112 – Additives in Food; Petroleum-Based Synthetic Food Dyes; Synthetic Chemicals; Prohibited

Dear Chair Gabbard, Vice Chair Richards and Members of the Committee:

The Pet Food Institute (PFI) appreciates the opportunity to provide comments regarding SB 2112.

Established in 1958, PFI is the trade association for U.S. cat and dog food and treat manufacturers. Our members account for the vast majority of pet food and treats made in the United States, providing complete and balanced nutrition for the dogs and cats in 94 million U.S. households. As the voice of U.S. pet food makers for over 65 years, we advocate for a transparent, science-based regulatory environment for our members and provide information about pet food and treat safety, nutrition, and health to pet owners.

PFI recognizes Hawaii's efforts to protect and improve human health and raise awareness of additives in foods. However, we have serious concerns that SB 2112 could inadvertently impact pet food in Hawaii. That is because in existing law (§328-1 Definitions), food is defined as "articles used for food or drink by humans, dogs, or cats…" It is critical to understand that pet food has a distinct regulatory framework separate from that of human food at both the federal and state level.

As such, PFI respectfully requests that you amend SB 2112 to only apply to foods for human consumption. Without a clear indication in the legislation of applicability to human foods only, we are concerned that this measure could have unintended cost and pet food access impacts for Hawaii families.

Hawaii already has one of the highest costs of living in the nation, and pet-owning households are especially sensitive to increases in the price of essential goods. For many families, seniors, and individuals with service or companion animals, pet food is a necessary, recurring expense, not a discretionary purchase. PFI believes all Hawaiians should be able to provide complete and balanced nutrition for their pets. Even small regulatory changes that disrupt supply chains can quickly translate into higher retail prices or reduced product availability in the Hawaiian island market.

The ability of human food manufacturers to find substitutes for banned food additives, while challenging, would not be nearly as difficult, time-consuming, or costly as it would be for pet food makers. There are more than 10,000 estimated chemicals and additives allowed in human food. In contrast, there are roughly 900 total ingredients approved for use in animal feed and pet food in the U.S.

Just because an ingredient is used in human food does not mean that it is acceptable for use in animal feed or pet foods. Before being used in a pet food, an additive must be authorized through a recognized ingredient approval process. These processes are limited; the ingredient used must be: 1) an Association of American Feed Control Officials (AAFCO) officially defined animal feed ingredient, 2) a common or usual name of feed ingredient, 3) an approved food additive in 21 CFR 573, 4) considered a GRAS (Generally Recognized as Safe) animal feed additive, or 5) reviewed and be the subject of a "consultation

complete" letter under the Food and Drug Administration's (FDA) Animal Food Ingredient Consultation (AFIC) process.

It is important to note that the animal food industry has experienced significant challenges with the FDA Center for Veterinary Medicine (CVM) animal food ingredient review and approval process. On average, it takes **three to five years** to get an ingredient reviewed by FDA Center for Veterinary Medicine, while AAFCO designations usually take **two to four years**. PFI, along with feed industry associations, has lobbied Congress for years requesting increased funding through appropriations bills to hire more CVM employees specifically for ingredient reviews. However, recent federal workforce cuts have caused uncertainty and concerns that staffing shortages could continue to stymie innovation and delay getting products to the market.

These challenges go beyond additional ingredient approvals. If existing approved ingredients are identified for reformulation, those replacement ingredients would need to be sourced and qualified suppliers need to be identified and onboarded, leading to logistics and negative supply chain impacts. The cost and timeframe for doing so could be further exacerbated if pet food is competing with human food for the same limited ingredients.

This legislation could also present significant sourcing challenges to pet food makers. As we saw during the pandemic, supply chain disruptions and ingredient sourcing challenges disrupted pet food makers' ability to meet consumer demand, resulting in higher prices and shortages of products on store shelves. Our concern is that unless amended, SB 2112 could have similar impacts on the cost and availability of pet food in the Aloha State. Further, the enactment of varying state food additive bans will replace a uniform national food safety system and create a patchwork of inconsistent state requirements that jeopardize interstate commerce.

SB 2112 appears focused on human food safety, yet as written could unintentionally apply to pet food. Extending a human-food-focused additive ban to pet food risks:

- Increasing compliance costs for pet food manufacturers and distributors serving Hawaii
- Reducing the number of pet food products available in the state due to reformulation or distribution decisions
- Driving up prices for pet owners, who already pay a premium for shipped goods
- Limiting access to specialized or veterinary-recommended diets, which can be critical for animal health and may be difficult or costly to replace

This legislation could unintentionally ban products that are widely used, federally permitted, and nutritionally essential for pets, limiting consumer choice and access in an already isolated market. These impacts would be felt most strongly by low- and fixed-income households, seniors, and residents with service animals — groups already disproportionately affected by Hawaii's high cost of living.

While the intent of SB 2112 is to limit certain additives in foods intended for human consumption, inadvertently extending this prohibition to pet foods raises legal and practical concerns and is not aligned with existing regulatory frameworks at the federal level and in Hawaii.

At the federal level, the U.S. Food and Drug Administration (FDA) regulates pet food under the Federal Food, Drug, and Cosmetic Act, requiring that all pet foods be safe, truthfully labeled, and manufactured under sanitary conditions. FDA oversight includes review of ingredients, enforcement actions against adulteration or misbranding, and implementation of preventive controls under the Food Safety Modernization Act. Importantly, FDA standards do not treat pet foods the same as human foods and recognize that nutritional requirements and acceptable ingredient profiles differ.

Dog and cat food in Hawaii is regulated by the Department of Health under HRS Chapter 328 (Food, Drugs, and Cosmetics) and Hawaii Administrative Rules Title 11, Chapter 29. Under these laws and regulations, pet food must:

- Be safe, unadulterated, and not misbranded
- Be wholesome and nutritious for dogs and cats
- Meet ingredient and labeling requirements, including guaranteed analysis and ingredient statements
- Be manufactured in compliance with federal current good manufacturing practices (CGMPs), which are adopted and enforced by the Hawaii Department of Health

This existing regulatory framework for pet food provides animal health and consumer protection without imposing unnecessary or duplicative requirements.

As you may be aware, the first enacted state food additive ban, the California Food Safety Act (CA AB 418), only applies to human foods. A number of states have proposed banning food additives in foods for human consumption in the last year, including Arkansas (AR SB 9), Delaware (DE SB 41), Illinois (IL SB 93/HB 3167), Indiana (IN HB 1376/HB 1321), Maryland (MD HB 1208), Massachusetts (MA HD 4705), Missouri (MO HB 99), New Jersey (NJ A4132), Texas (TX HB 3137) and Vermont (VT H.260).

Clarifying SB 2112 to **explicitly exclude food intended for dogs and cats** would ensure the bill remains focused on its intended purpose, avoids unnecessary regulatory overlap, and protects Hawaii pet owners from cost increases and reduced choices in the marketplace. To ensure that the legislation only applies to human food, PFI respectfully suggests amending Section 1. to read as follows:

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

On behalf of PFI members, whose nearly 35,000 employees in 33 states provide safe food for the dogs and cats in 94 million U.S. households, we thank you for the opportunity to share our views. I would be happy to discuss this issue in more detail.

Sincerely,

Savonne Caughey

Savonne Caughey
PFI Vice President of Government Relations and Advocacy

February 17, 2026

The Honorable Mike Gabbard, Chair
The Honorable Tim Richards, Vice Chair
Committee on Agriculture and Environment
Hawaii Senate
Honolulu, HI

Subject: SB 2112, Additives in Food; Petroleum-Based Synthetic Food Dyes; Synthetic Chemicals; Prohibited- Clarify the Scope of the Legislation is Food Intended for Human Consumption Not Pet/Animal Food

Chair Gabbard, Vice Chair Richards & Members of the Senate Committee on Agriculture & Environment,

I write on behalf of the Animal Health Institute (AHI) to comment on SB 2112 and raise an inadvertent consequence with the legislation. AHI is the U.S. trade association for research-based manufacturers of animal health products – the medicines that keep pets, service animals, and livestock healthy.

AHI recognizes Hawaii's efforts to protect and improve human health and raise awareness of additives in foods. However, we have serious concerns that SB 2112 could inadvertently impact pet/animal food in Hawaii. That is because in existing law (§328-1 Definitions), food is defined as "articles used for food or drink by humans, dogs, or cats…" It is critical to understand that pet food has a distinct regulatory framework separate from that of human food at both the federal and state level.

As such, AHI respectfully requests that you amend SB 2112 to only apply to foods intended for human consumption. Without a clear indication in the legislation of applicability to human foods only, we are concerned that this measure could have unintended cost and pet food access impacts for Hawaii families.

The ability of human food manufacturers to find substitutes for banned food additives, while challenging, would not be nearly as difficult, time-consuming, or costly as it would be for pet food makers. There are more than 10,000 estimated chemicals and additives allowed in human food. In contrast, there are roughly 900 total ingredients approved for use in animal feed and pet food in the U.S.

Just because an ingredient is used in human food does not mean that it is acceptable for use in animal feed or pet foods. Before being used in a pet food, an additive must be authorized through a recognized ingredient approval process. These processes are limited; the ingredient used must be: 1) an Association of American Feed Control Officials (AAFCO) officially defined animal feed ingredient, 2) a common or usual name of feed ingredient, 3) an approved food additive in 21 CFR 573, 4) considered a GRAS (Generally Recognized as Safe) animal feed additive, or 5) reviewed and be the subject of a "consultation complete" letter under the Food and Drug Administration's (FDA) Animal Food Ingredient Consultation (AFIC) process.

SB 2112 appears focused on human food safety, yet as written could unintentionally apply to pet food. Extending a human-food-focused additive ban to pet food risks:

• Increasing compliance costs for manufacturers and distributors serving Hawaii

• Reducing the number of pet food products available in the state due to reformulation or distribution decisions

• Driving up prices for pet owners, who already pay a premium for shipped goods

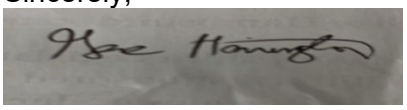
• Limiting access to specialized or veterinary-recommended diets, which can be critical for animal health and may be difficult or costly to replace

As you may be aware, the first enacted state food additive ban, the California Food Safety Act (CA AB 418), only applies to human foods. Numerous other states have considered similar bills over the last two years, and those measures also apply just to food intended for human consumption.

Clarifying SB 2112 to explicitly exclude food intended for dogs and cats would ensure the bill remains focused on its intended purpose, avoids unnecessary regulatory overlap, and protects Hawaii pet owners from cost increases and reduced choices in the marketplace. To ensure that the legislation only applies to human food, AHI respectfully suggests amending Section 1. to read as follows: **"§328- Additives in food; Petroleum-based synthetic dyes and synthetic chemicals prohibited. Beginning January 1, 2027, it shall be unlawful to manufacture, sell, offer for sale, distribute for sale, or distribute for use in the State any food for human consumption that contains any of the following substances:"**

I appreciate your time and attention and encourage you to contact me at gharrington@ahi.org or (202) 549-5934 if you have any questions.

Sincerely,



Gene Harrington
Senior Director, State Affairs
Animal Health Institute

SB-2112
Submitted on: 2/13/2026 11:55:38 PM
Testimony for AEN on 2/18/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2112 SB RELATING TO ADDITIVES IN FOOD.

SB-2112
Submitted on: 2/13/2026 8:17:36 PM
Testimony for AEN on 2/18/2026 3:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support SB2112

Dana Keawe

To: Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair
Committee on Agriculture and Environment

From: Veronica Moore, Individual Citizen

Date: February 17, 2026

RE: Senate Bill 2112
Measure Title: RELATING TO ADDITIVES IN FOOD.
Report Title: Additives in Food; Petroleum-Based Synthetic Food Dyes; Synthetic Chemicals; Prohibited

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2112. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore