

ACT 34

H. B. NO. 47

**A Bill for an Act Relating to the Dissemination of Information in Cases of
Hazardous Conditions in Foods, Drugs, Devices, or Cosmetics.**

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

SECTION 1. Section 328-22, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 328-22 Duties of department. The department of health shall inquire carefully into the quality of any food, drug, device, or cosmetic manufactured, sold, or kept or exhibited or offered for sale by any person; and it may in a lawful manner procure samples thereof, submit the same to careful examination and report the result of such analysis of all or any such food, drugs, devices, or cosmetics as are adulterated, impure, or unwholesome, in contravention of the laws of the State, to the director; and he shall make complaint with the necessary evidence through the proper authorities, against such person; provided, that nothing in this part shall require the department to report for the institution of proceedings under this part, minor violations of this part, whenever it believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning; provided further, that whenever the department believes that the public interest will be adequately served by the issuance of a warning to the general public by virtue of the degree of adulteration, impurity, or unwholesomeness in contravention of the laws of the State present in any food, drugs, devices, or cosmetics which constitute a hazardous condition, it shall issue a warning through all available news media including television, radio, newspaper, and other available methods of communication. When the hazardous condition has been corrected, the department shall issue a statement to be made through all available news media that conditions as corrected have returned to a safe and normal level.

The department shall investigate complaints on the information of any person who lays before it satisfactory evidence of the same.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 4, 1973.)

*Edited accordingly.