
A BILL FOR AN ACT

RELATING TO TRANS FAT IN FOOD SERVICE ESTABLISHMENTS.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part, to be appropriately designated and
3 to read as follows:

4 **"PART . FOOD SERVICE AND MOBILE FOOD ESTABLISHMENTS**

5 §321- Definitions. For the purposes of this part:

6 "Department" means the department of health.

7 "Food service establishment" means any establishment or
8 operation where food is prepared or served at retail.

9 "Mobile food establishment" means a vehicle-mounted food
10 service establishment capable of being readily moved, that
11 operates in conjunction with a commissary. This includes, but
12 is not limited to licensed trailer-type vehicles, push carts,
13 lunchwagons, tour cruise boats and peddlers.

14 §321- Artificial trans fat restricted. (a) No foods
15 containing artificial trans fat shall be stored, distributed,
16 held for service, used in the preparation of any menu item, or
17 served in any food service establishment or mobile food
18 establishment, except food that is being served directly to



1 patrons in the manufacturer's original sealed package. A food
2 shall be deemed to contain artificial trans fat if the food is
3 labeled as containing, or documentation from the manufacturer
4 lists as an ingredient, any kind of partially hydrogenated
5 vegetable oil. A food shall not be deemed to contain artificial
6 trans fat if the nutrition facts label or other documentation
7 from the manufacturer lists the trans fat content of the food as
8 less than 0.5 grams per serving.

9 (b) Food service establishments and mobile food service
10 establishments shall maintain on site the original labels for
11 all food products:

12 (1) That are, or that contain, fats, oils or shortenings;

13 (2) That when purchased by such food service
14 establishments or mobile food service establishments,
15 are required by applicable federal and state law to
16 have labels; and

17 (3) That are currently being stored, distributed, held for
18 service, used in preparation of any menu items, or
19 served by the food service establishment or by the
20 mobile food unit establishment;

21 provided that a food service establishment or mobile food
22 service establishment may, instead of original labels, maintain



1 documentation acceptable to the department from the
2 manufacturers of the food products, indicating whether the food
3 products contain vegetable shortening or any kind of partially
4 hydrogenated vegetable oil, or indicating trans fat content.

5 (c) If baked goods or other food products are not required
6 to be labeled when purchased but otherwise fall within
7 subsection (b), food service establishments and mobile food
8 service establishments shall obtain and maintain documentation
9 acceptable to the department from the manufacturers of the food
10 products, indicating whether the food products contain vegetable
11 shortening or any kind of partially hydrogenated vegetable oil,
12 or indicating trans fat content.

13 (d) Any person who violates any provision of this section,
14 or rule or order of the department hereunder is a separate
15 offense that is subject to a fine or imprisonment or both as
16 provided in sections 321-18 and 321-20, or to injunctions as
17 provided in section 603-203."

18 SECTION 2. New statutory material is underscored.

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



1 SECTION 4. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so much
 3 thereof as may be necessary for fiscal year 2008-2009 for
 4 enforcement of the restrictions on cooking oils, shortening, and
 5 margarines containing artificial trans fat in food service
 6 establishments and mobile food service establishments.

7 The sum appropriated shall be expended by the department of
 8 health for the purposes of this Act.

9 SECTION 5. This Act shall take effect on July 1, 2008,
 10 with respect to cooking oils, shortening, and margarines
 11 containing artificial trans fat, and on July 1, 2009, with
 12 respect to all other foods containing artificial trans fat.

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INTRODUCED BY:

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Report Title:

Trans Fat Restricted in Food Service Establishments

Description:

Prohibits foods containing artificial trans fat from being used in the preparation of any menu item, or served in any food service establishment. Effective July 1, 2008 for cooking oils, shortening, and margarines, and on July 1, 2009, for all other foods containing artificial trans fat

