

JAN 20 2010

S.B. NO. 2140

A BILL FOR AN ACT

RELATING TO TRANS FATS.

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 . ARTIFICIAL TRANS FAT RESTRICTIONS**

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

6 "Artificial trans fat" means any kind of partially
7 hydrogenated vegetable oil, including vegetable shortening and
8 margarine.

9 "Food" means a raw, cooked, or processed edible substance,
10 ice, beverage, an ingredient used or intended for use or for
11 sale in whole or in part for human consumption, and chewing gum.

12 "Food establishment" means any place or portion thereof,
13 maintained, used, or operated for the purpose of storing,
14 preparing, serving, manufacturing, packaging, transporting, or
15 otherwise handling food at the retail or wholesale level.

16 "Food establishment" includes any place where food is served or
17 provided to the public, with or without charge, regardless of



1 whether the food is consumed on or off the premises. "Food
2 establishment" does not include private homes where food is
3 prepared or served for individual family consumption; an
4 establishment that offers only prepackaged non-potentially
5 hazardous foods manufactured and packaged in an approved food
6 establishment; a produce stand that only offers whole, uncut
7 fresh fruits and vegetables; temporary food establishments that
8 sell or serve only non-potentially hazardous foods; a kitchen in
9 a private home, such as a small family day-care provider, or a
10 bed and breakfast operation that prepares and offers only non-
11 potentially hazardous food to guests if the home is owner
12 occupied; a private home that receives catered or home delivered
13 food; food establishments that are inspected by another federal,
14 Hawaii state, or county regulatory agency, provided that a
15 memorandum of understanding or a memorandum of agreement has
16 been filed with the director of health and the agency assumes
17 regulatory responsibility for the establishment; the kitchen of
18 any establishment organization, business, private home, or other
19 location, when used only to prepare food for the homeless
20 without compensation, consideration, or donation by the person
21 or persons being served; and any location when used only to



1 serve food to the homeless without compensation, consideration,
2 or donation by the person or persons being served.

3 **§321- Artificial trans fat ban in food establishments.**

4 (a) Beginning on January 1, 2011, every food establishment
5 shall maintain on the premises the label for any food or food
6 additive that is, or includes, any fat, oil, or shortening, for
7 as long as this food or food additive is stored, distributed, or
8 served by, or used in the preparation of food within, the food
9 establishment. The label described in this section refers to
10 the label that is required by applicable federal and state law
11 to be on the food or food additive at the time of purchase by
12 the food establishment.

13 (b) Beginning January 1, 2011, no oil, shortening, or
14 margarine containing artificial trans fat for use in spreads or
15 frying, except for the deep frying of yeast dough or cake
16 batter, may be stored, distributed, or served by, or used in the
17 preparation of any food within, a food establishment.

18 (c) Beginning January 1, 2012, no food containing
19 artificial trans fat, including oil and shortening that contains
20 artificial trans fat for use in the deep frying of yeast dough
21 or cake batter, may be stored, distributed, or served by, or



1 used in the preparation of any food within, a food
2 establishment.

3 (d) Subsections (b) and (c) shall not apply to food sold
4 or served in a manufacturer's original, sealed package.

5 (e) For purposes of this section, a food contains
6 artificial trans fat if the food contains vegetable shortening,
7 margarine, or any kind of artificially hydrogenated vegetable
8 oil, unless the label required on the food, pursuant to
9 applicable federal and state law, lists the trans fat content as
10 less than 0.5 grams per serving.

11 (f) Any violation of this section is a separate offense
12 that shall be punishable by a fine of not less than \$25 and not
13 more than \$1,000."

14 SECTION 2. This Act shall take effect upon its approval.

15

INTRODUCED BY: Will Syro

[Handwritten signatures: "E. de", "Kristen", "Carol Fulkerson", "Michelle D. Helari", "Padlock"]

Report Title:

Artificial Trans Fat Restricted in Food Establishments

Description:

Prohibits foods containing artificial trans fat from being stored, distributed, or served by, or used in the preparation of any food within, a food establishment. Commences with ban on oils, shortening, and margarines with trans fat effective 01/01/11, and progresses with ban on food containing trans fat effective 01/01/12.

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

