
A BILL FOR AN ACT

RELATING TO ASPARTAME.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§302A- Food safety review panel; aspartame. (a) The
5 department shall establish a food safety review panel to examine
6 and verify the content of all foods and beverages sold or
7 transferred to any public school, including charter schools, to
8 ensure that any food or beverage intended for consumption by
9 students does not contain aspartame. Based upon its review, the
10 panel shall submit a report of its findings and recommendations
11 to the department.

12 (b) The department shall appoint members of the food
13 safety review panel, who may include:

14 (1) Any expert on aspartame with no vested interest in any
15 business associated with the manufacture or use of
16 aspartame, including any food additive expert,
17 scientist, or researcher;

18 (2) Any medical physician or naturopath;



1 (3) Any trained dietician with expertise in aspartame;

2 (4) Members from the news media;

3 (5) Parents or guardians of any student who attends a
4 public school; and

5 (6) Any other members as determined by the department.

6 (c) Members of the food safety review panel shall serve
7 without compensation and shall not be reimbursed for costs;
8 provided that state employees serving within the scope of their
9 employment shall receive compensation and reimbursement as
10 provided by law or by collective bargaining."

11 SECTION 2. Chapter 302B, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§302B- School meals; vending machines; aspartame. No:

15 (1) School meal served at any charter school; or

16 (2) Vending machine operating on the premises of any
17 charter school as a concession,

18 shall include or offer any food or beverage containing
19 aspartame."

20 SECTION 3. Section 302A-101, Hawaii Revised Statutes, is
21 amended by adding a new definition to be appropriately inserted
22 and to read as follows:



1 "Aspartame" means the artificial sweetener with the
2 scientific name l-aspartyl l-phenylalanine methyl ester."

3 SECTION 4. Section 302A-404, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§302A-404 School meals.** School meals shall be made
6 available under the school meals program in every school where
7 the students are required to eat meals at school. No school
8 meal shall include any food or beverage containing any
9 aspartame."

10 SECTION 5. Section 302A-412, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) Each secondary public school, upon the approval of
13 the principal and the complex area superintendent, may allow on
14 the premises vending machines operated as a concession; provided
15 that the concession [~~shall~~]:

16 (1) Shall be operated only by a blind or visually
17 handicapped person, as defined in sections 235-1, 347-
18 1, and 347-2[-]; and

19 (2) Shall not offer any food or beverage containing
20 aspartame.

21 The location and operation of the vending machines and the items
22 dispensed shall be approved by the department."



1 SECTION 6. Section 302B-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Aspartame" means the artificial sweetener with the
5 scientific name 1-aspartyl 1-phenylalanine methyl ester."

6 SECTION 7. Section 328-1, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 "Aspartame" means the artificial sweetener with the
10 scientific name 1-aspartyl 1-phenylalanine methyl ester."

11 SECTION 8. Section 328-6, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§328-6 Prohibited acts.** The following acts and the
14 causing thereof within the State by any person are prohibited:

15 (1) The manufacture, sale, delivery, holding, or offering
16 for sale of any food, drug, device, or cosmetic that
17 is adulterated or misbranded;

18 (2) The adulteration or misbranding of any food, drug,
19 device, or cosmetic;

20 (3) The receipt in commerce of any food, drug, device, or
21 cosmetic that is adulterated or misbranded, and the



1 delivery or proffered delivery thereof for pay or
2 otherwise;

3 (4) The sale, delivery for sale, holding for sale, or
4 offering for sale of any article in violation of
5 section 328-11, 328-12, or 328-17;

6 (5) The dissemination of any false advertisement;

7 (6) The refusal to permit entry or inspection, or to
8 permit the taking of a sample, as authorized by
9 sections 328-22 and 328-23 to 328-27, or to permit
10 access to or copying of any record as authorized by
11 section 328-23;

12 (7) The giving of a guaranty or undertaking which guaranty
13 or undertaking is false, except by a person who relied
14 on a guaranty or undertaking to the same effect signed
15 by, and containing the name and address of the person
16 residing in the State from whom the person received in
17 good faith the food, drug, device, or cosmetic;

18 (8) The removal or disposal of a detained or embargoed
19 article in violation of sections 328-25 to 328-27;

20 (9) The alteration, mutilation, destruction, obliteration,
21 or removal of the whole or any part of the labeling
22 of, or the doing of any other act with respect to a



1 food, drug, device, or cosmetic, if the act is done
2 while the article is held for sale and results in the
3 article being adulterated or misbranded;

4 (10) Forging, counterfeiting, simulating, or falsely
5 representing, or without proper authority using any
6 mark, stamp, tag, label, or other identification
7 device authorized or required by rules adopted under
8 this part or regulations adopted under the Federal
9 Act;

10 (11) The use, on the labeling of any drug or in any
11 advertisement relating to the drug, of any
12 representation or suggestion that an application with
13 respect to the drug is effective under section 328-17,
14 or that the drug complies with that section;

15 (12) The use by any person to the person's own advantage,
16 or revealing other than to the department of health or
17 to the courts when relevant in any judicial proceeding
18 under this part, any information acquired under
19 authority of section 328-11, 328-12, 328-17, or
20 328-23, concerning any method or process which as a
21 trade secret is entitled to protection;



- 1 (13) In the case of a prescription drug distributed or
2 offered for sale in this State, the failure of the
3 manufacturer, packer, or distributor thereof to
4 maintain for transmittal, or to transmit, to any
5 practitioner who makes written request for information
6 as to the drug, true and correct copies of all printed
7 matter which is required to be included in any package
8 in which that drug is distributed or sold, or [~~such~~]
9 other printed matter as is approved under the Federal
10 Act. Nothing in this paragraph shall be construed to
11 exempt any person from any labeling requirement
12 imposed by or under other provisions of this part;
- 13 (14) (A) Placing or causing to be placed upon any drug or
14 device or container thereof, with intent to
15 defraud, the trade name or other identifying
16 mark, or imprint of another or any likeness of
17 any of the foregoing; or
- 18 (B) Selling, dispensing, disposing of, or causing to
19 be sold, dispensed, or disposed of, or concealing
20 or keeping in possession, control, or custody,
21 with intent to sell, dispense, or dispose of, any
22 drug, device, or any container thereof, with



1 knowledge that the trade name or other
2 identifying mark or imprint of another or any
3 likeness of any of the foregoing has been placed
4 thereon in a manner prohibited by subparagraph
5 (A); or
6 (C) Making, selling, disposing of, or causing to be
7 made, sold, or disposed of, or keeping in
8 possession, control, or custody, or concealing,
9 with intent to defraud, any punch, die, plate, or
10 other thing designed to print, imprint, or
11 reproduce that trade name or other identifying
12 mark or imprint of another or any likeness of any
13 of the foregoing upon any drug, device, or
14 container thereof;

15 (15) Except as provided in part VI and section 461-1,
16 dispensing or causing to be dispensed a different drug
17 or brand of drug in place of the drug or brand of drug
18 ordered or prescribed without express permission in
19 each case of the person ordering or prescribing;

20 (16) The distribution in commerce of a consumer commodity
21 as defined in this part, if [~~such~~] the commodity is
22 contained in a package, or if there is affixed to that

1 commodity a label, which does not conform to this part
2 and [ef] rules adopted under authority of this part;
3 provided that this prohibition shall not apply to
4 persons engaged in business as wholesale or retail
5 distributors of consumer commodities except to the
6 extent that [such] the persons:

- 7 (A) Are engaged in the packaging or labeling of
- 8 [such] the commodities; or
- 9 (B) Prescribe or specify by any means the manner in
- 10 which [such] the commodities are packaged or
- 11 labeled;

12 (17) The selling or dispensing in restaurants, soda
13 fountains, drive-ins, lunch wagons, or similar public
14 eating establishments of imitation milk and imitation
15 milk products in place of fresh milk and fresh milk
16 products respectively; of liquid or dry products which
17 simulate cream but do not comply with content
18 requirements for cream in place of cream; of non-dairy
19 frozen desserts which do not comply with content
20 requirements for dairy frozen desserts in place of
21 dairy frozen desserts; and of any other imitation food
22 or one made in semblance of a genuine food in place of



1 [~~such~~] the genuine food, unless the consumer is
2 notified by either proper labeling or conspicuous
3 posted signs or conspicuous notices on menu cards and
4 advertisements informing of [~~such~~] the substitution,
5 to include but not limited to the substitution of
6 imitation milk in milk shake and malted milk drinks;

7 (18) Wilfully and falsely representing or using any
8 devices, substances, methods, or treatment as
9 effective in the diagnosis, cure, mitigation,
10 treatment, or alleviation of cancer. This paragraph
11 shall not apply to any person who depends exclusively
12 upon prayer for healing in accordance with teachings
13 of a bona fide religious sect, denomination, or
14 organization, nor to a person who practices such
15 teachings;

16 (19) The selling or offering for sale at any food facility
17 which serves or sells over the counter directly to the
18 consumer an unlabeled or unpackaged food that is a
19 confectionery which contains alcohol in excess of one-
20 half of one per cent by weight unless the consumer is
21 notified of that fact by either proper labeling or



1 conspicuous posted signs or conspicuous notices on
2 menu cards and advertisements;

3 (20) The sale to a person below the age of twenty-one years
4 of any food [~~which~~] that is a confectionery which
5 contains alcohol in excess of one-half of one per cent
6 by weight [~~-~~]; and

7 (21) The selling or dispensing to or at any public school
8 as defined in section 302A-101, or any private school,
9 of any food or beverage containing aspartame."

10 SECTION 9. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 10. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 11. This Act shall take effect upon its approval.

16

INTRODUCED BY: Denny Coffman BR.

JAN 24 2011



Report Title:

Aspartame; School Ban

Description:

Bans aspartame products from all DOE school meals and vending machines. Prohibits the sale or transfer of aspartame products to or at any school. Establishes a DOE panel to screen foods and beverages at schools for aspartame.

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

