

A Bill for an Act Relating to Health.

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

SECTION 1. Section 328-8, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

“(c) The director may establish rules as necessary for the enforcement of this part. The rules shall be adopted pursuant to chapter 91; except that the director may, without regard to chapter 91, establish tolerance levels and regulatory or action levels by reference to the provisions of the regulations or guidelines of the United States established in 21 CFR Part 193, 40 CFR Part 180 [and] or the United States Food and Drug Administration Compliance Policy Guides as the regulations or guidelines become effective at any time or from time to time.”

SECTION 2. Section 328-24, Hawaii Revised Statutes, is amended to read:

“**§328-24 Furnishing of samples to director.** (a) If any person manufacturing, keeping for sale, exhibiting for sale, or offering for sale any food, drug, device, or cosmetic included in this part refuses to furnish the duly appointed director of health or any of his agents, upon demand, either personal or in writing, a sample sufficient for the analysis of the food, drug, device, or cosmetic, which is in his possession, [the director or any of his agents tendering the market price therefor,] such refusal shall be prima facie evidence that the food, drug, device, or cosmetic so manufactured, kept for sale, exhibited for sale, or offered for sale is adulterated within the meaning of this part.

(b) A sample of any product covered under this section that is known to be or suspected of being contaminated shall be furnished upon request to the director or any of the director’s agents at no cost to the department.

The director or agent securing a sample under this section from any retailer or wholesaler or any person other than the manufacturer shall, prior to leaving the premises, provide the establishment with a receipt describing the sample obtained. The receipt may be used for reimbursement from the appropriate supplier or manufacturer.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 29, 1985.)