

A BILL

i n t i t u l e d

An Act to amend the Food Act 1983.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Food (Amendment) Act 2026.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of section 2

2. The Food Act 1983 [*Act 281*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by inserting after the definition of “food” the following definition:

‘ “food contact material” includes any material or article which in its finished state—

(a) is intended to be brought into contact with food;

- (b) is in contact with food;
 - (c) may be expected to be brought into contact with food; or
 - (d) may be expected to transfer its constituents to food under normal or foreseeable conditions of use;’;
- (b) by substituting for the definition of “advertisement” the following definition:
 - ‘ “advertisement” includes any representation by any means for the purpose of promoting directly or indirectly the sale or disposal of any food or food contact material;’;
- (c) in the definition of “import”, by inserting after the word “food” wherever appearing the words “or food contact material”;
- (d) by substituting for the definition of “label” the following definition:
 - ‘ “label” includes any tag, brand, mark, pictorial or other descriptive matter which is written, printed, stencilled, marked, painted, embossed or impressed on, or attached to, or included in, belonging to, or accompanying any food, food contact material or package of any food or food contact material;’;
- (e) in the definition of “seal”, by inserting after the word “food” the words “or food contact material”;
- (f) in the definition of “sell or sale”, by inserting after the word “food” wherever appearing the words “or food contact material”;
- (g) by substituting for the definition of “authorized officer” the following definition:
 - ‘ “authorized officer” means any medical officer of health or any environmental health officer or any assistant environmental health officer or any food

technology officer from the Ministry of Health or from any local authority, or any suitably qualified person, appointed by the Minister to be an authorized officer under section 3;’;

(h) by deleting the definition of “Director”;

(i) by substituting for the definition of “importer” the following definition:

‘ “importer” includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of, or is otherwise entitled to the custody or control, of the imported food or food contact material;’; and

(j) in the definition of “premises”, by substituting for the words “or sale” the words “, sale or advertisement”.

Amendment of section 3

3. Subsection 3(3) of the principal Act is amended by inserting after the word “food” the words “or food contact material”.

Amendment of section 4

4. Section 4 of the principal Act is amended—

(a) in subsection (1)—

(i) by substituting for paragraph (a) the following paragraph:

“(a) enter any premises which he believes to be food premises and examine any food or food contact material found and take samples of such food or food contact material, and examine and investigate anything that he believes is used or capable of being used for the preparation, preservation, packaging, storage, conveyance, distribution or sale of the food;”;

- (ii) in paragraph (b), by inserting after the word “food” wherever appearing the words “or food contact material”;
 - (iii) in paragraph (c), by inserting after the word “food” the words “or food contact material”;
 - (iv) by substituting for paragraph (d) the following paragraph:
 - “(d) enter any premises or food premises to examine any book, document or other record found that he believes contains any information relevant to the enforcement of this Act with respect to any food or food contact material to which this Act applies and make copies or take extracts from such book, document or record;”;
 - (v) in paragraph (f), by inserting after the word “food” the words “, food contact material”; and
 - (vi) in paragraph (g), by inserting after the word “food” the words “, food contact material”;
- (b) by substituting for subsection (1A) the following subsection:
- “(1A) In the course of the exercise of his powers under subsection (1), an authorized officer may examine orally the proprietor, owner, occupier or any person found in the food premises, or any person whom he believes to be acquainted with the facts and circumstances of any matter under this Act.”;
- (c) by substituting for subsection (3) the following subsection:
- “(3) Any proprietor, owner, occupier or any person found in any food premises who does not give to the authorized officer all reasonable assistance in his power or furnish him with all the information as he may reasonably require under this section, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years or to fine not exceeding twenty-five thousand ringgit or to both.”;

(d) by inserting after subsection (3) the following subsections:

“(3A) An authorized officer making an investigation under this section may, by order in writing, require the attendance before himself of any person who appears to him to be acquainted with the facts and circumstances of the case, and such person shall attend as required.

(3B) Any person who refuses or fails to comply with the order in writing made by the authorized officer under subsection (3A) commits an offence and is liable on conviction to imprisonment for a term not exceeding five years or to fine not exceeding twenty-five thousand ringgit or to both.”;

(e) in subsection (4)—

(i) by substituting for the words “one year” the words “five years”; and

(ii) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”;

(f) in subsection (6)—

(i) by substituting for the words “one year” the words “five years”; and

(ii) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”;

(g) in subsection (7), by inserting after the word “food” the words “, food contact material or appliance”;

(h) by substituting for subsection (8) the following subsection:

“(8) Where an authorized officer has seized any food, food contact material or appliance and the proprietor, owner or the person in whose possession the food, food contact material or appliance was at the time of seizure consents in writing to its destruction, the food, food contact material or appliance may be destroyed or otherwise disposed of as the authorized officer may direct and if the proprietor, owner or the person does

not consent to the destruction of the food, food contact material or appliance, the authorized officer may apply to a court for the destruction or disposal of the food, food contact material or appliance and the court may make an order as it may deem fit, notwithstanding that the proprietor, owner or the person has not been convicted of any offence in connection with the food, food contact material or appliance.”;

(i) in subsection (9), by substituting for the word “owner” wherever appearing the words “proprietor, owner”;

(j) in subsection (10)—

(i) by substituting for the words “food or appliance” wherever appearing the words “food, food contact material or appliance”; and

(ii) by substituting for the words “the owner thereof” the words “such proprietor or owner”;

(k) in subsection (11)—

(i) by inserting after the word “food” wherever appearing the words “, food contact material or appliance”; and

(ii) by substituting for the word “owner” the words “proprietor or owner”;

(l) in subsection (12)—

(i) by inserting after the word “food” the words “, food contact material or appliance”;

(ii) by substituting for the words “one year” the words “five years”; and

(iii) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”;

(*m*) in subsection (13)—

- (i) by inserting after the words “Any food” the words “, food contact material or appliance”; and
- (ii) in the national language text, by substituting for the words “di mana makanan itu disita” the words “di mana makanan, bahan bersentuhan makanan atau perkakas itu disita”; and

(*n*) in subsection (14)—

- (i) by inserting after the word “food” the words “, food contact material or appliance”; and
- (ii) in the national language text, by substituting for the words “dianalisis atau diperiksa” the words “analisis atau pemeriksaan”.

Amendment of section 5

5. Section 5 of the principal Act is amended—

- (*a*) in subsection (1), by inserting after the word “food” wherever appearing the words “or food contact material”;
- (*b*) by substituting for subsection (2) the following subsection:

“(2) An authorized officer may at any place demand and select and take or obtain samples for the purpose of analysis without payment from any manufacturer preparing food or food contact material for sale, or from any importer of any food or food contact material, which includes the agent or servant of the manufacturer or importer.”;

(*c*) in subsection (3)—

- (i) by inserting after the word “food” the words “or food contact material”; and

- (ii) by inserting after the word “samples” the words “of food or food contact material”;
- (d) in subsection (4), by inserting after the word “food” the words “or food contact material”; and
- (e) in subsection (5)—
 - (i) by substituting for the words “one year” the words “five years”; and
 - (ii) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”.

Amendment of section 6

6. Subsection 6(1) of the principal Act is amended by inserting after the word “food” wherever appearing the words “or food contact material”.

Amendment of section 7

7. Section 7 of the principal Act is amended—

- (a) in subsection (2), by inserting after the word “food” the words “or food contact material”;
- (b) in subsection (3), by inserting after the word “food” wherever appearing the words “or food contact material”; and
- (c) in subsection (4)—
 - (i) by substituting for the words “one year” the words “five years”; and
 - (ii) by inserting after the word “fine” the words “not exceeding twenty-five thousand ringgit”.

Amendment of section 8

8. Section 8 of the principal Act is amended—

(a) in subsection (1)—

- (i) by inserting after the word “food” wherever appearing the words “or food contact material”; and
- (ii) by substituting for the words “distribution or sale” the words “distribution, sale or advertisement”; and

(b) in subsection (3)—

- (i) by substituting for the words “one year” the words “five years”; and
- (ii) by substituting for the word “fine” the words “fine not exceeding twenty-five thousand ringgit”.

New section 8A

9. The principal Act is amended by inserting after section 8 the following section:

“Access to recorded information, etc.

8A. (1) Any authorized officer exercising his powers under this Act shall be given access to any recorded information, computerized data or digitalized data relating to the importation, manufacture, packaging, storage, delivery, distribution, purchase, sale or advertisement of any food, food contact material or appliance, whether stored in a computer or otherwise.

(2) In exercising his powers, the authorized officer—

- (a) may inspect and check the operation of any computer or associated apparatus or material which the authorized officer has reasonable cause to suspect is used or has been used in relation to that information or data; or

(b) may require the person—

- (i) whom the authorized officer has reasonable cause to suspect that the person is using or has used any computer or associated apparatus or material in relation to that information or data;
- (ii) whom the authorized officer has reasonable cause to suspect that any computer or associated apparatus or material is used or has been used, on behalf of the person, in relation to that information or data; or
- (iii) having charge of, or is otherwise concerned with, the operation of any computer or associated apparatus or material,

to provide him with such reasonable assistance as he may require for the purposes of this section.

(3) The authorized officer may make copies of or take extracts from the recorded information, computerized data or digitalized data, if he deems it necessary for the purposes of this Act.

(4) For the purposes of this section, “access” includes being provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of the recorded information, computerized data or digitalized data.

(5) Any person who fails to give access to any authorized officer to any recorded information, computerized data or digitalized data under subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to fine not exceeding one hundred thousand ringgit or to both.”.

Amendment of section 9

10. Subsection 9(3) of the principal Act is amended by inserting after the word “fine” the words “not exceeding twenty-five thousand ringgit”.

Amendment of section 10

11. Section 10 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the word “**Director**” the words “**Director General**”;
- (b) in subsections (1), (2), (3), (4) and (5), by substituting for the word “Director” wherever appearing the words “Director General”; and
- (c) in subsection (6), by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”.

Amendment of section 11

12. Section 11 of the principal Act is amended—

- (a) by substituting for the word “Director” wherever appearing the words “Director General”; and
- (b) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”.

New section 11A

13. The principal Act is amended by inserting after section 11 the following section:

“Closure of premises used to prepare or sell food containing substance injurious to health

11A. The Director General or an officer authorized by him in this particular respect may in writing order the immediate closure not exceeding forty days of any premises preparing

or selling food where the Director General or the officer authorized by him in this particular respect is of the opinion that such premises are used for the preparation or sale of any food that has in or upon it any substance which is poisonous, harmful or otherwise injurious to health, and the proprietor, owner or occupier of the premises who fails to comply with the order commits an offence and is liable on conviction, to imprisonment for a term not exceeding ten years or to fine not exceeding five hundred thousand ringgit or to both.”.

Amendment of section 12

14. Section 12 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the word “**newspapers**” the words “**print or electronic media**”; and
- (b) by substituting for the words “newspaper circulating in Malaysia or in any part thereof, and the court shall further order the person convicted to pay the cost of such publication and such cost shall be treated as if it was a fine imposed by such court” the words “print or electronic media”.

New sections 12B and 12C

15. The principal Act is amended by inserting after section 12A the following sections:

“Notification for public safety

12B. Where any importer, manufacturer, packer or owner of the rights of the manufacturer or packer cannot be found, the Director General or an officer authorized by him in this particular respect may publish in any print or electronic media any information which he deems necessary of any food where the food is not in accordance with any of the provisions of this Act or any regulations made under this Act for the purpose of public interest and safety.

On-site verification of foreign food facilities

12c. The Director General or an officer authorized by him in this particular respect may conduct an on-site verification of foreign food facilities through prior consultation with the government of an exporting country or the foreign food facilities where the Director General deems—

- (a) that the on-site verification of foreign food facilities is necessary to prevent hazards in imported food; or
- (b) that the on-site verification of foreign food facilities is necessary to confirm the safety of imported food.”.

Amendment of section 13

16. Section 13 of the principal Act is amended—

- (a) in the shoulder note, by inserting after the word “**food**” the words “**or food contact material**”;
- (b) in subsection (1), by substituting for the words “one hundred thousand ringgit” the words “five hundred thousand ringgit”; and
- (c) by inserting after subsection (2) the following subsections:
 - “(3) Any person who prepares or sells any food contact material that has in or upon it or is capable of transferring from it any substance which is poisonous, harmful or otherwise injurious to health commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding ten years or to both.
 - (4) In determining whether any food contact material is injurious to health for the purpose of subsection (3), regard shall be had not only to the probable effect of that food contact material on the health of a person using it but also to the probable cumulative effect of

the food contact material of substantially the same composition on the health of a person using the food contact material in normal or foreseeable conditions of use.”.

Amendment of section 13A

17. Section 13A of the principal Act is amended—

(a) in subsection (1)—

- (i) by substituting for the words “fifty thousand ringgit” the words “five hundred thousand ringgit”; and
- (ii) by substituting for the words “eight years” the words “ten years”;

(b) in subsection (2)—

- (i) by substituting for the words “thirty thousand ringgit” the words “five hundred thousand ringgit”; and
- (ii) by substituting for the words “five years” the words “ten years”; and

(c) in subsection (3)—

- (i) by substituting for the words “thirty thousand ringgit” the words “five hundred thousand ringgit”; and
- (ii) by substituting for the words “five years” the words “ten years”.

Amendment of section 13B

18. Subsection 13B(4) of the principal Act is amended—

- (a) by substituting for the words “twenty thousand ringgit” the words “five hundred thousand ringgit”; and

- (b) by substituting for the words “five years” the words “ten years”.

Amendment of section 13c

19. Section 13c of the principal Act is amended—

- (a) by substituting for the shoulder note the following shoulder note:

“Removal of food or food contact material”;

- (b) in subsection (1)—

- (i) by inserting after the words “Where any food” the words “or food contact material”;
- (ii) by substituting for the word “Director” wherever appearing the words “Director General”; and
- (iii) by inserting after the words “food premises” the words “or such food contact material from any premises”;

- (c) by substituting for subsection (2) the following subsection:

“(2) Notwithstanding subsection (1), it shall be the duty of any of the persons in section 24, if he knows or has reason to believe or it has come to his knowledge that—

- (a) any food imported, manufactured, packed, farmed, prepared or sold by him has contravened section 13, 13A or 13B, to recall, remove or withdraw from sale such food from any food premises immediately; or
- (b) any food contact material imported, manufactured, packed, prepared or sold by him has contravened section 13, to recall, remove or withdraw from sale such food contact material from any premises immediately.”; and

- (d) in subsection (3), by substituting for the words “one hundred thousand ringgit” the words “five hundred thousand ringgit”.

Amendment of section 14

20. Subsection 14(1) of the principal Act is amended by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”.

Amendment of section 15

21. Section 15 of the principal Act is amended—

- (a) in the shoulder note, by inserting after the word “**food**” the words “**or food contact material**”;
- (b) by inserting after the word “food” wherever appearing the words “or food contact material”;
- (c) in the national language text, by substituting for the words “membungkus, melabel atau mengiklankan, menyediakan” the words “menyedia, membungkus, melabel atau mengiklankan”;
- (d) by substituting for the words “three years” the words “five years”; and
- (e) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”.

Amendment of section 16

22. Section 16 of the principal Act is amended—

- (a) by inserting after the word “food” the words “or food contact material”;
- (b) in the national language text, by substituting for the words “bersalahan dengan” the word “melanggar”;

(c) by substituting for the words “three years” the words “five years”; and

(d) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”.

Amendment of section 17

23. Section 17 of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (a), by substituting for the words “to be marked on or attached to such food or marked on or attached to any package containing such food” the words “related to labelling”;

(ii) in paragraph (b), by substituting for the words “from being marked on or attached to such food or marked on or attached to any package containing such food” the words “made under this Act related to labelling”;

(iii) in paragraph (c), by substituting for the words “to be included in the name or description marked on or attached to such food or marked on or attached to any package containing such food” the words “related to labelling”;

(iv) by substituting for the words “three years” the words “five years”; and

(v) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”;

(b) by inserting after subsection (1) the following subsection:

“(1A) Any person who for the purpose of affecting or promoting the sale of any food contact material, publishes or causes to be published, either on his own account or as the agent or servant of the person seeking to effect or promote the sale, any advertisement

relating or likely to cause any person to believe that it relates to food contact material which is likely to deceive a purchaser with regard to the character, nature, value, substance, quality, strength, purity, composition, merit or safety, weight, proportion, origin, age or effects of any food contact material in contravention of any regulations made under this Act commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to fine not exceeding one hundred thousand ringgit or to both.”; and

(c) in subsection (2)—

- (i) by substituting for the words “three years” the words “five years”; and
- (ii) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”.

Amendment of section 18

24. Section 18 of the principal Act is amended—

(a) in the shoulder note, by inserting after the word “**food**” the words “, **food contact material or appliance**”; and

(b) in subsection (2)—

- (i) by inserting after the words “any food” the words “, food contact material or appliance”;
- (ii) by inserting after the words “such food” the words “, food contact material or appliance”; and
- (iii) by substituting for the words “food or things” the words “food, food contact material, appliance or things”.

Amendment of section 19

25. Section 19 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the word “**Prosecutions**” the words “**Proceedings relating to food or food contact material analysis**”;
- (b) in subsections (1), (2) and (3), by inserting after the word “food” wherever appearing the words “or food contact material”; and
- (c) in subsection (1A)—
 - (i) by substituting for the word “Director” the words “Director General”; and
 - (ii) by inserting after the word “food” the words “or food contact material”.

Amendment of section 22

26. Section 22 of the principal Act is amended—

- (a) in paragraph (c), by deleting the word “and” at the end of the paragraph;
- (b) in paragraph (d), by substituting for the full stop the words “; and”; and
- (c) by inserting after paragraph (d) the following paragraph:
 - “(e) any food brought into Malaysia by land, water or air in excess of the prescribed limit shall, until proven otherwise, be presumed to be intended for sale for human consumption.”.

Amendment of section 23

27. Section 23 of the principal Act is amended by inserting after the word “food” wherever appearing the words “or food contact material”.

Amendment of section 27

28. Section 27 of the principal Act is amended by inserting after the word “fine” the words “not exceeding twenty-five thousand ringgit”.

Amendment of section 29

29. Section 29 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the word “**Importation**” the words “**Importation of food**”;
- (b) in subsection (4), in the national language text, by substituting for the word “pengekspor” the word “pengimport”;
- (c) in subsection (5), by substituting for the word “Director” the words “Director General or an officer authorized by him in this particular respect”; and
- (d) in subsection (6), by inserting after the word “may” the words “, by order published in the *Gazette*,”.

New section 29A

30. The principal Act is amended by inserting after section 29 the following section:

“Importation of food contact material

29A. (1) The importation of any food contact material which does not comply with the provisions of this Act or any regulations made thereunder is prohibited.

(2) If the food contact material used or intended to be used in the preparation, packaging, storage, delivery or exposure of food imported into Malaysia and if sold in Malaysia would be an offence in relation to labelling then the food contact material can be imported into Malaysia for the purpose of relabelling so that the provisions of this Act relating to labelling are complied with.

(3) Where such food contact material is imported into Malaysia for the purpose of relabelling and the food contact material is not relabelled within three months from the date of importation, the food contact material shall be exported by the importer within a period of two months or such other period as the Minister may determine and where it is not so exported, it shall be forfeited and disposed of as the Minister may direct.

(4) The Director General or an officer authorized by him in this particular respect may require the importer to relabel the food contact material in a designated area under the supervision of an authorized officer to ensure that the relabelling of the food contact material complies with the provisions of this Act.

(5) The Minister may, by order published in the *Gazette*, exempt any food contact material from the provisions of this section.”.

Amendment of section 30

31. Subsection 30(2) of the principal Act is amended—

- (a) by substituting for the words “three years” the words “five years”; and
- (b) by inserting after the word “fine” the words “not exceeding twenty-five thousand ringgit”.

Amendment of section 31

32. Paragraph 31(3)(a) of the principal Act is amended by substituting for the word “Director” the words “Director General”.

Amendment of section 32

33. Subsection 32(1) of the principal Act is amended—

- (a) by substituting for the words “two years” the words “five years”; and
- (b) by inserting after the word “fine” the words “not exceeding one hundred thousand ringgit”.

Amendment of section 32B

34. Subsection 32B(1) of the principal Act is amended by substituting for the word “Director” the words “Director General”.

New section 32c

35. The principal Act is amended by inserting after section 32B the following section:

“Jurisdiction to try offences

32c. Notwithstanding any written law to the contrary, a court of a First Class Magistrate shall have jurisdiction to try any offence under this Act and to impose punishment under this Act for any such offence.”.

Amendment of section 33

36. Section 33 of the principal Act is amended—

(a) in subsection (1), by substituting for the word “Director” wherever appearing the words “Director General”;

(b) by substituting for paragraph (3)(b) the following paragraph:

“(b) any food, food contact material or appliance seized shall be forfeited, destroyed or returned to that person, as the Director General or the authorized officer deems fit after taking into consideration the nature of the offence and the condition of the food, food contact material or appliance, and no further proceedings shall be taken in respect of the food, food contact material or appliance.”; and

(c) in subsection (4), by substituting for the word “Director” the words “Director General”.

Amendment of section 33c

37. Subsection 33c(1) of the principal Act is amended by substituting for the words “an owner” the words “a proprietor, an owner”.

New sections 33d and 33e

38. The principal Act is amended by inserting after section 33c the following sections:

“Costs or expenses

33d. (1) The Government may obtain from the proprietor, owner, occupier, agent or servant, of any premises, any costs or expenses imposed or incurred by the Government under this Act or the regulations made under this Act.

(2) Any costs or expenses imposed or incurred by the Government under this Act or any regulations made under this Act may, without prejudice to any other remedy, be recovered by civil proceedings as a debt due to the Government.

(3) No compensation can be paid by the Government to any person in respect of the disposal of any food, food contact material or appliance if the order is given by any authorized officer or with the court order.

Delegation of powers

33e. (1) The Director General may, in writing, delegate any of the powers or functions of the Director General to any officer under the control, direction and supervision of the Director General subject to any condition, limitation or restriction as the Director General thinks fit.

(2) Any delegation under this section shall not preclude the Director General himself from performing or exercising, at any time, any of the delegated powers or functions.”.

Amendment of section 34

39. Section 34 of the principal Act is amended—

(a) by inserting after paragraph (g) the following paragraph:

“(ga) to prescribe any requirements or matters relating to food contact material;”;

(b) in paragraph (q), by substituting for the words “licence or certificate” the words “licence, certification or certificate”; and

(c) by substituting for paragraph (w) the following paragraph:

“(w) to prescribe penalties of a fine not exceeding twenty-five thousand ringgit or imprisonment for a term not exceeding five years or both for a contravention of any regulations made under this Act;”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Food Act 1983 (“Act 281”).

2. *Clause 1* contains the short title and commencement of the proposed Act and empowers the Minister to appoint different dates for the coming into operation of different provisions of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 281 by introducing the definition of “food contact material” and amending the definitions of “advertisement”, “import”, “label”, “seal”, “sell or sale” and “importer” consequential to the insertion of the definition of “food contact material”. This *clause* also seeks to amend the definitions of “authorized officer” and “premises” and delete the definition of “Director” in line with the Ministry of Health’s current policy.

4. *Clause 3* seeks to amend section 3 of Act 281 to enable the Minister to authorize any public officer to procure samples of food contact materials in relation to any matter which appears to the Minister could affect the general interests of consumers of food contact materials.

5. *Clause 4* seeks to amend section 4 of Act 281 to expand the powers of authorized officers to include the investigation of food and food contact materials. This *clause* also seeks to address advertising issues and grants power to authorized officers to order the appearance of any person acquainted with the facts and circumstances of a case.

6. *Clauses 5 and 6* seek to amend sections 5 and 6 of Act 281 respectively to strengthen the control of food contact materials by widening the scope of power of authorized officers to take samples to include samples of food contact materials and the procedure relating to it.

7. *Clause 7* seeks to amend section 7 of Act 281 to provide that any method of analysis which is prescribed by regulations shall be expanded to include food contact materials.

8. *Clause 8* seeks to amend section 8 of Act 281 to strengthen control of food and food contact materials comprehensively by expanding the power of authorized officers to call for information from persons who are in possession of food and food contact materials for advertising purposes.

9. *Clause 9* seeks to introduce a new section 8A into Act 281 to empower authorized officers to be given access to any recorded information, computerized data or digitalized data to enable thorough investigations to be conducted in line with the development of transactions made online.

10. *Clause 13* seeks to introduce a new section 11A into Act 281 to provide for the closure of premises that prepare or sell food containing substance injurious to health.

11. *Clause 14* seeks to amend section 12 of Act 281 to provide that any conviction made under Act 281 may be published in print or electronic media.

12. *Clause 15* seeks to introduce new sections 12B and 12C into Act 281. The new section 12B seeks to provide that, for the safety of the public, information on food not in accordance with any provision of Act 281 or any regulations made under Act 281 may be published in any print or electronic media whereas the new section 12C provides that on-site verification of foreign food facilities may be conducted through prior consultation with the exporting country to ensure that food imported is safe to enter Malaysia.

13. *Clause 16* seeks to amend section 13 of Act 281, among others, to provide that any person who prepares or sells any food contact material that has in it or upon it or is capable of transferring from it any substance which is poisonous, harmful or otherwise injurious to health commits an offence.

14. *Clause 19* seeks to amend section 13C of Act 281 which provides for the removal of food to also encompass food contact materials. This *clause* also seeks to amend subsection 13C(2) to widen the scope of the duty of any person in section 24 to recall, remove or withdraw from sale such food contact materials from any premises with immediate effect if he knows or has reason to believe or it has come to his knowledge that any food contact material imported, manufactured, packed, prepared or sold by him has contravened section 13 of Act 281.

15. *Clauses 21 and 22* seek to amend sections 15 and 16 of Act 281 that respectively provide about labelling not complying with standard of food and false labelling to also encompass food contact materials.

16. *Clause 23* seeks to amend section 17 of Act 281 to clarify the offence provision in respect of advertisement. This *clause* also seeks to introduce new subsection (1A) into section 17 for the offence that relates to advertisement in respect of food contact materials.

17. *Clause 24* seeks to amend section 18 of Act 281 to widen the scope of the powers of the court to order any food contact material or appliance to be forfeited and disposed of where a person has been convicted of any offence under this Act.

18. *Clause 25* seeks to amend section 19 of Act 281, among others, to clarify that section 19 relates to proceedings relating to food or food contact material analysis.

19. *Clause 26* seeks to amend section 22 of Act 281 to provide that any food brought into Malaysia by land, water or air more than the prescribed limit shall, until proven otherwise, be presumed to be intended for sale for human consumption.

20. *Clause 27* seeks to amend section 23 of Act 281 to provide that it shall not be a defence for a defendant where the selling of food contact materials contrary to the provisions of Act 281 or its regulations is not willfully committed.

21. *Clause 29* seeks to amend section 29 of Act 281, among others, to enable the Director General or an officer authorized by him to require importers of food to relabel, reprocess or recondition food in accordance with the requirements of Act 281.

22. *Clause 30* seeks to introduce a new section 29A into Act 281 to provide for rules regulating the importation of food contact materials into Malaysia which includes labelling and relabelling as well as offences relating to it.

23. *Clause 35* seeks to introduce a new section 32c into Act 281 to empower First Class Magistrates to try any offence under this Act and to impose punishment for any offence under Act 281 without limitation to a fine amount not exceeding ten thousand ringgit and imprisonment not exceeding five years.

24. *Clause 36* seeks to amend Act 281, among others, to substitute paragraph 33(3)(b) to provide that any food, food contact material or appliance seized after being compounded, shall be forfeited, destroyed or returned to that person as the Director General or the authorized officer deems fit.

25. *Clause 38* seeks to amend Act 281 by introducing new sections 33D and 33E.

The new section 33D seeks to enable any costs or expenses imposed or incurred by the Government under Act 281 to be recovered from the proprietor, owner, occupier, agent or servant of any premises.

The new section 33E seeks to provide for the delegation of powers of the Director General to any officer under his control, direction and supervision.

26. *Clause 39* seeks to amend section 34 of Act 281 to extend the Minister's power to make regulations regarding any requirement or matter relating to food contact materials, to provide for fees payable in respect of any certification made under Act 281 or its regulations and penalties of a fine not exceeding twenty-five thousand ringgit or imprisonment for a term not exceeding five years or both for a contravention of any regulations made under Act 281.

27. *Subclause 11(b), subclause 12(a), subsubclause 19(b)(ii), subsubclause 25(c)(i), clause 32, clause 34, subclause 36(a) and subclause 36(c)* seek to amend sections 10, 11, 13c, 19, 31, 32B and 33 of Act 281 respectively, which is regarding the substitution of the word "Director" with the words "Director General" consequential to the deletion of the definition of "Director" from section 2 of Act 281.

28. *Subsubclause 4(e)(i), subsubclause 4(f)(i), subsubclause 4(l)(ii), subsubclause 5(e)(i), subsubclause 7(c)(i), subsubclause 8(b)(i), subsubclause 17(a)(ii), subsubclause 17(b)(ii), subsubclause 17(c)(ii), subclause 18(b), subclause 21(d), subclause 22(c), subsubclause 23(a)(iv), subsubclause 23(c)(i), subclause 31(a) and subclause 33(a)* seek to provide for the increase of duration of imprisonment for the relevant penal provisions of Act 281.

29. *Subsubclause 4(e)(ii), subsubclause 4(f)(ii), subsubclause 4(l)(iii), subsubclause 5(e)(ii), subsubclause 7(c)(ii), subsubclause 8(b)(ii), clause 10, subclause 11(c), subclause 12(b), subclause 16(b), subsubclause 17(a)(i), subsubclause 17(b)(i), subsubclause 17(c)(i), subclause 18(a), subclause 19(d), clause 20, subclause 21(e), subclause 22(d), subsubclause 23(a)(v), subsubclause 23(c)(ii), clause 28, subclause 31(b) and subclause 33(b)* seek to provide for the increase of the amount of penalty for the relevant penal provisions of Act 281.

30. *Subclause 4(i), subsubclause 4(j)(ii), subsubclause 4(k)(ii) and clause 37* seek to amend subsection 4(9), subsection 4(10), subsection 4(11) and subsection 33c(1) of Act 281 respectively to include the proprietor as a person responsible for food and food contact materials in the relevant provisions of Act 281.

31. Other amendments not specifically dealt with in this Explanatory Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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