

PROPOSED AMENDMENT OF THE FOOD ACT 1983 [ACT 281]

1. The mandate of the Food Act 1983 is to protect public against health hazards and fraud in the preparation, sale and use of food, and for matters incidental thereto or connected therewith.
2. The Food Act 1983 was gazetted on 10 March 1983 and came into force together with the Food Regulations 1985 on 1 October 1985.
3. Proposed amendment of Food Act 1983 [Act 281] consists of 5 main aspects:
 - 3.1 To strengthen control of food contact materials by:
 - 3.1.1 Introducing new definitions of food contact materials.
 - 3.1.2 Requiring compliance to standard and labelling provision of food contact materials.
 - 3.1.3 Prescribing the power to make regulations on food contact materials.
 - 3.1.4 Enhancing enforcement activities on food contact materials.
 - 3.2 Expansion of the powers of the Minister to make regulations regarding certificates and fees on food safety assurance programme.
 - 3.3 Expansion of the powers of the Director General:
 - 3.3.1 To close premises that are proven to provide or sell food that is harmful to health.
 - 3.3.2 To publish information in any print or electronic media on food or food contact materials that have been contravened of this Act or any regulations made under this Act for the purpose of public interest and safety.
 - 3.4 Amendments to existing interpretations:
 - 3.4.1 Amendment of interpretations: Authorised officer, label and premises.
 - 3.4.2 Standardization of the Director General's Authority. For the purpose of standardization with other Acts, only the interpretation of the "Director General" is maintained, and the interpretation of "Director" is removed. The Director General may delegate authority to officers under his or her control to implement or exercise any power, responsibility, or function under the Food Act 1983.
 - 3.5 Strengthening enforcement activities:
 - 3.5.1 To clarify the power of authorized officers to investigate in addition to the existing powers of inspection.
 - 3.5.2 To allow inspections to be carried out at premises other than food premises to address issues related to advertisement offences.

- 3.5.3 To expand the power of authorised officers to require individuals with knowledge of the case to appear before him to record information regarding the enforcement of this Act.
 - 3.5.4 To include a new provision on on-site verification of foreign food facilities if necessary to ensure that food exported to Malaysia complies with food legislation and that only safe food is allowed to enter the country.
 - 3.5.5 To allow reasonable assumptions to be made by the authorized officers about the quantity of food imported for sale but declared for personal use.
 - 3.5.6 To include a new provision to allow any costs incurred by the government under this Act to be recovered from the owner.
 - 3.5.7 To enable authorized officers to obtain information by accessing devices/computers, including obtaining passwords or access keys.
 - 3.5.8 To empower the First Class Magistrate's Court to hear any offence under this Act and to impose penalties for any offence under this Act without being limited to a fine not exceeding RM10,000.00 or imprisonment not exceeding five (5) years.
- 3.6 Increase the penalty rate in line with the latest rate to prevent repeated offenses and provide a deterrent.