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## A BILL FOR AN ACT

RELATING TO WATER POLLUTION.

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

1           SECTION 1. The legislature finds that Act 104, Session  
2 Laws of Hawaii 2018, prevents the sale and distribution of  
3 sunscreen containing oxybenzone and octinoxate in the State  
4 beginning in 2021 to preserve the State's marine ecosystems.

5           The purpose of this Act is to further prohibit the sale and  
6 distribution of sunscreen containing certain chemicals within  
7 the State and allow the department of health to prevent the sale  
8 of additional chemicals through its administrative rulemaking  
9 process.

10           SECTION 2. Section 342D-21, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "~~{}~~§342D-21~~{}~~ Sale and distribution of sunscreen  
13 containing oxybenzone ~~[e]~~, octinoxate, octocrylene, octisalate,  
14 or ~~[both,]~~ homosalate; prohibition. (a) Beginning January 1,  
15 2021, it shall be unlawful to sell, offer for sale, or  
16 distribute for sale in the State any sunscreen that contains  
17 oxybenzone ~~[e]~~, octinoxate, octocrylene, octisalate, or ~~[both,]~~



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1 homosalate without a prescription issued by a licensed  
2 healthcare provider.

3 (b) No county shall enact any ordinance or regulatory  
4 restriction to prohibit the sale, use, labeling, packaging,  
5 handling, distribution, or advertisement of sunscreens  
6 containing oxybenzone [~~or~~], octinoxate, octocrylene, octisalate,  
7 or [~~both,~~] homosalate prior to January 1, 2021.

8 (c) The department may adopt rules pursuant to chapter 91  
9 to prevent the sale and distribution of additional chemicals in  
10 sunscreens within the State.

11 [~~(e)~~] (d) For purposes of this section:

12 "Homosalate" refers to the chemical 3, 3, 5-  
13 Trimethylcyclohexyl 2-Hydroxybenzoate under the International  
14 Union of Pure and Applied Chemistry chemical nomenclature  
15 registry; that has a chemical abstract service registry number  
16 118-56-9; the synonyms of which include but are not limited to  
17 Coppertone, Homomenthyl salicylate, Heliopan, Heliophan,  
18 Filtersol "A", m-Homomenthyl salicylate, Kemester HMS,  
19 Trimethylcyclohenyl salicylate, and 3, 5-Trimethylcyclohexyl  
20 salicylate; and is intended to be used as protection against



1 ultraviolet light radiation with a spectrum wavelength from 295  
2 nanometers to 315 nanometers in a sunscreen.

3 "Licensed healthcare provider" means a physician or  
4 osteopathic physician licensed pursuant to chapter 453, or an  
5 advanced practice registered nurse licensed pursuant to chapter  
6 457.

7 "Octinoxate" refers to the chemical (RS)-2-Ethylhexyl (2E)-  
8 3-(4-methoxyphenyl)prop-2-enoate under the International Union  
9 of Pure and Applied Chemistry chemical nomenclature registry;  
10 that has a chemical abstract service registry number 5466-77-3;  
11 the synonyms of which include but are not limited to ethylhexyl  
12 methoxycinnamate, octyl methoxycinnamate, Eusolex 2292, Neo  
13 Heliopan AV, NSC 26466, Parsol MOX, Parsol MCX, and Uvinul MC80;  
14 and is intended to be used as protection against ultraviolet  
15 light radiation with a spectrum wavelength from 370 nanometers  
16 to 220 nanometers in a sunscreen.

17 "Octisalate" refers to the chemical 2-ethylhexyl 2-  
18 hydroxybenzoate under the International Union of Pure and  
19 Applied Chemistry chemical nomenclature registry; that has a  
20 chemical abstract service registry number 118-60-5; the synonyms  
21 of which include but are not limited to benzoic acid, 2 hydroxy,



1 2-ethylhexyl ester, 2-ethylhexyl salicylate, ethylhexyl  
2 salicylate, Dermoblock OS, Escalol 587, Eusolex OS, Neo Heliopan  
3 OS, NSC 46151, Octyl salicylate, Parsol EHS, Sunarome O,  
4 Sunarome WMO, Uvinul 0-18, and WMO; and is intended to be used  
5 as protection against ultraviolet light radiation in a  
6 sunscreen.

7 "Octocrylene" refers to the chemical 2-ethylhexyl 2-cyano-  
8 3, 3-diphenyl-2-propenoate under the International Union of Pure  
9 and Applied Chemistry chemical nomenclature registry; that has a  
10 chemical abstract service registry number 6197-30-4; the  
11 synonyms of which include but are not limited to octocrylene,  
12 Uvinul N-539, 2-ethylhexyl 2-cyano-3-3-diphenylacrylate,  
13 Octocrileno, Parasol 340, UV Absorber-3, Escalol 597, Eusolex  
14 OCR, Neo Heliopan 303, Sanduvor 3039, Seesorb 502, and Viosorb  
15 930; and is intended to be used as protection against  
16 ultraviolet light radiation with a maximum spectrum wavelength  
17 at 303 nanometers in a sunscreen.

18 "Oxybenzone" refers to the chemical (2-Hydroxy-4-  
19 methoxyphenyl)-phenylmethanone under the International Union of  
20 Pure and Applied Chemistry chemical nomenclature registry; that  
21 has a chemical abstract service registry number 131-57-7; the



1 synonyms of which include but are not limited to benzophenone-3,  
2 Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, Uvasorb MET/C,  
3 Syntase 62, UV 9, Uvinul 9, Uvinul M-40, Uvistat 24, USAF Cy-9,  
4 Uniphenone-3U, 4-methoxy-2-hydroxybenzophenone and Milestab 9;  
5 and is intended to be used as protection against ultraviolet  
6 light radiation with a spectrum wavelength from 370 nanometers  
7 to 220 nanometers in a sunscreen.

8 "Prescription" means an order for medication, that is  
9 dispensed to or for an ultimate user. "Prescription" shall not  
10 include an order for medication that is dispensed for immediate  
11 administration to the ultimate user, such as a chart order to  
12 dispense a drug to a bed patient for immediate administration in  
13 a hospital. "Prescription" includes an order for a sunscreen.

14 "Sunscreen" means a product marketed or intended for  
15 topical use to prevent sunburn. Sunscreen does not include  
16 products marketed or intended for use as a cosmetic, as defined  
17 in section 328-1, for the face."

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



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

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INTRODUCED BY: Nivole E. Lowen

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JAN 16 2020



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**Report Title:**

Department of Health; Water Pollution; Sunscreen; Distribution;  
Prohibition

**Description:**

Adds the chemicals homosalate, octocrylene, and octisalate to the sale and distribution sunscreen ban beginning on 1/1/2021. Allows the Department of Health to adopt rules to add additional harmful chemicals to the sale and distribution ban.

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