

---

---

# A BILL FOR AN ACT

RELATING TO PRODUCTS CONTAINING SUN PROTECTION FACTOR  
INGREDIENTS.

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

- 1           SECTION 1. The legislature finds that sunscreens are  
2 considered by the United States Food and Drug Administration to  
3 be nonprescription, over-the-counter drugs that require specific  
4 testing to demonstrate that the sunscreen is generally  
5 recognized as safe and effective for its intended use before  
6 being sold to consumers. The Food and Drug Administration has  
7 published industry guidelines that outline the required testing  
8 for sunscreen. Each chemical found in a sunscreen product is  
9 categorized by the Food and Drug Administration as:
- 10           (1) Category I: Generally recognized as safe and  
11           effective for the claimed therapeutic indication;
- 12           (2) Category II: Not generally recognized as safe and  
13           effective or unacceptable indications; or
- 14           (3) Category III: Insufficient data available to permit  
15           final classification.



1           The legislature also finds that in February 2019, the Food  
2 and Drug Administration issued a proposed rule to update  
3 regulatory requirements for most sunscreen products in the  
4 United States. In the proposed rule, the Food and Drug  
5 Administration proposed that of the sixteen active ingredients  
6 currently marketed in sunscreen products, zinc oxide and  
7 titanium dioxide are the only two category I ingredients. Two  
8 ingredients are currently considered category II ingredients:  
9 aminobenzoic acid (PABA) and trolamine salicylate. The other  
10 twelve active ingredients currently marketed in sunscreen  
11 products are presently considered category III.

12           The legislature finds that a number of sunscreen drugs have  
13 recently been demonstrated to pose intolerable toxicologic  
14 threats such as environmental contamination in coastal waters,  
15 including significant harmful impacts on Hawaii's marine  
16 environment, coral reefs, and other residing ecosystems; birth  
17 defects such as Hirschsprung's disease; preterm incubatory  
18 births; changes in secondary sex-ratios; increasing cell  
19 proliferation in cancer cells, increasing the risk for breast  
20 cancer and other issues; and developmental disorders in  
21 children. To preserve the state's marine ecosystems, the State



1 enacted Act 104, Session Laws of Hawaii 2018, which bans the  
2 sale, offer of sale, and distribution of any sunscreen that  
3 contains oxybenzone or octinoxate, or both, without a  
4 prescription issued by a licensed health care provider,  
5 beginning in 2021. However, additional action should be  
6 considered to prevent any potential harmful impacts of  
7 sunscreens containing other, non-category I active ingredients.

8 The purpose of this Act is to establish a task force within  
9 the department of health to conduct a study on sun protection  
10 factor ingredients and the feasibility of further limiting these  
11 ingredients' use in sunscreens in the State.

12 SECTION 2. (a) There is established a task force within  
13 the department of health for administrative purposes. The task  
14 force shall conduct a study on sun protection factor ingredients  
15 and the feasibility of further limiting their use in sunscreens  
16 in the State. The study shall also consider the following:

- 17 (1) How to maintain the efficacy of sunscreens to protect  
18 against exposures contributing to skin cancer;
- 19 (2) The adequacy of sun protection ingredient options,  
20 considering the categories used by the United States



- 1 Food and Drug Administration and possible harmful  
2 effects to the environment resulting from their use;
- 3 (3) Policy recommendations for the legislature, which  
4 balance the health and safety of the public, ocean and  
5 reef life, and the environment; and
- 6 (4) An examination of any other relevant information  
7 deemed necessary by the department of health.
- 8 (b) The task force shall consist of the following members  
9 or their designees:
- 10 (1) The director of health, who shall serve as the  
11 chairperson of the task force;
- 12 (2) The minority leader of the house of representatives;
- 13 (3) A representative of the Hawaii Reef and Ocean  
14 Coalition;
- 15 (4) A representative of Activities and Attractions  
16 Association of Hawaii; and
- 17 (5) Any other members designated by the director of  
18 health.
- 19 (c) Members of the task force shall serve without  
20 compensation but shall be reimbursed for necessary expenses,



1 including travel expenses, incurred in the performance of their  
2 duties on the task force.

3 (d) The task force shall submit a report of its findings  
4 and recommendations, including any proposed legislation, to the  
5 legislature no later than twenty days prior to the convening of  
6 the regular session of 2021.

7 (e) The task force shall dissolve on June 30, 2021.

8 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Sun Protection Factor Ingredients; Sunscreen; Task Force; Study

**Description:**

Establishes a task force within the department of health to conduct a study on sun protection factor ingredients and the feasibility of further limiting their use in sunscreens in the State. Effective 7/1/2050. (HD1)

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

