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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:

- 6           (1) Further prohibit the sale and distribution of  
7           sunscreen containing certain chemicals within the  
8           State;
- 9           (2) Allow the department of health to prevent the sale of  
10           additional chemicals through its administrative  
11           rulemaking process; and
- 12           (3) Require and appropriate funds for the University of  
13           Hawaii to conduct studies to examine the concurrent  
14           effects of certain sunscreen products on the decline  
15           of the State's coral reefs.

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



1           " ~~[f]~~§342D-21 ~~[f]~~ Sale and distribution of sunscreen  
2 containing oxybenzone ~~[e]~~, octinoxate, octocrylene, octisalate,  
3 or ~~[both,]~~ homosalate; prohibition. (a) Beginning January 1,  
4 2021, it shall be unlawful to sell, offer for sale, or  
5 distribute for sale in the State any sunscreen that contains  
6 oxybenzone ~~[e]~~, octinoxate, octocrylene, octisalate, or ~~[both,]~~  
7 homosalate without a prescription issued by a licensed  
8 healthcare provider.

9           (b) No county shall enact any ordinance or regulatory  
10 restriction to prohibit the sale, use, labeling, packaging,  
11 handling, distribution, or advertisement of sunscreens  
12 containing oxybenzone ~~[e]~~, octinoxate, octocrylene, octisalate,  
13 or ~~[both,]~~ homosalate prior to January 1, 2021.

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

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

18           "Homosalate" refers to the chemical 3, 3, 5-  
19 Trimethylcyclohexyl 2-Hydroxybenzoate under the International  
20 Union of Pure and Applied Chemistry chemical nomenclature  
21 registry; that has a chemical abstract service registry number



1 118-56-9; the synonyms of which include but are not limited to  
2 Coppertone, Homomenthyl salicylate, Heliopan, Heliophan,  
3 Filtersol "A", m-Homomenthyl salicylate, Kemester HMS,  
4 Trimethylcyclohenyl salicylate, and 3, 5-Trimethylcyclohexyl  
5 salicylate; and is intended to be used as protection against  
6 ultraviolet light radiation with a spectrum wavelength from 295  
7 nanometers to 315 nanometers in a sunscreen.

8 "Licensed healthcare provider" means a physician or  
9 osteopathic physician licensed pursuant to chapter 453, or an  
10 advanced practice registered nurse licensed pursuant to chapter  
11 457.

12 "Octinoxate" refers to the chemical (RS)-2-Ethylhexyl  
13 (2E)-3-(4-methoxyphenyl)prop-2-enoate under the International  
14 Union of Pure and Applied Chemistry chemical nomenclature  
15 registry; that has a chemical abstract service registry number  
16 5466-77-3; the synonyms of which include but are not limited to  
17 ethylhexyl methoxycinnamate, octyl methoxycinnamate, Eusolex  
18 2292, Neo Heliopan AV, NSC 26466, Parsol MOX, Parsol MCX, and  
19 Uvinul MC80; and is intended to be used as protection against  
20 ultraviolet light radiation with a spectrum wavelength from 370  
21 nanometers to 220 nanometers in a sunscreen.



1       "Octisalate" refers to the chemical 2-ethylhexyl  
2 2-hydroxybenzoate under the International Union of Pure and  
3 Applied Chemistry chemical nomenclature registry; that has a  
4 chemical abstract service registry number 118-60-5; the synonyms  
5 of which include but are not limited to benzoic acid, 2 hydroxy,  
6 2-ethylhexyl ester, 2-ethylhexyl salicylate, ethylhexyl  
7 salicylate, Dermoblock OS, Escalol 587, Eusolex OS, Neo Heliopan  
8 OS, NSC 46151, Octyl salicylate, Parsol EHS, Sunarome O,  
9 Sunarome WMO, Uvinul 0-18, and WMO; and is intended to be used  
10 as protection against ultraviolet light radiation in a  
11 sunscreen.

12       "Octocrylene" refers to the chemical 2-ethylhexyl 2-cyano-  
13 3, 3-diphenyl-2-propenoate under the International Union of Pure  
14 and Applied Chemistry chemical nomenclature registry; that has a  
15 chemical abstract service registry number 6197-30-4; the  
16 synonyms of which include but are not limited to octocrylene,  
17 Uvinul N-539, 2-ethylhexyl 2-cyano-3-3-diphenylacrylate,  
18 Octocrileno, Parasol 340, UV Absorber-3, Escalol 597, Eusolex  
19 OCR, Neo Heliopan 303, Sanduvor 3039, Seesorb 502, and Viosorb  
20 930; and is intended to be used as protection against



1 ultraviolet light radiation with a maximum spectrum wavelength  
2 at 303 nanometers in a sunscreen.

3 "Oxybenzone" refers to the chemical (2-Hydroxy-4-  
4 methoxyphenyl)-phenylmethanone under the International Union of  
5 Pure and Applied Chemistry chemical nomenclature registry; that  
6 has a chemical abstract service registry number 131-57-7; the  
7 synonyms of which include but are not limited to benzophenone-3,  
8 Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, Uvasorb MET/C,  
9 Syntase 62, UV 9, Uvinul 9, Uvinul M-40, Uvistat 24, USAF Cy-9,  
10 Uniphenone-3U, 4-methoxy-2-hydroxybenzophenone and Milestab 9;  
11 and is intended to be used as protection against ultraviolet  
12 light radiation with a spectrum wavelength from 370 nanometers  
13 to 220 nanometers in a sunscreen.

14 "Prescription" means an order for medication, that is  
15 dispensed to or for an ultimate user. "Prescription" shall not  
16 include an order for medication that is dispensed for immediate  
17 administration to the ultimate user, such as a chart order to  
18 dispense a drug to a bed patient for immediate administration in  
19 a hospital. "Prescription" includes an order for a sunscreen.

20 "Sunscreen" means a product marketed or intended for  
21 topical use to prevent sunburn. Sunscreen does not include



1 products marketed or intended for use as a cosmetic, as defined  
2 in section 328-1, for the face."

3 SECTION 3. (a) The University of Hawaii shall conduct a  
4 study to examine the concurrent effects of sunscreen products,  
5 including products with ingredients such as zinc oxide, on the  
6 decline of the State's coral reefs.

7 (b) The study shall identify the causes of coral decline  
8 in the State and make recommendations for developing, testing,  
9 and promoting the use of safe and effective sunscreen products.

10 (c) The University of Hawaii shall utilize the scientific  
11 expertise from the University of Hawaii's Hawaii institute of  
12 marine biology, department of chemistry, and University of  
13 Hawaii cancer center's population sciences in the Pacific  
14 program to conduct the study.

15 (d) The University of Hawaii shall submit a report of its  
16 findings and recommendations, including any proposed  
17 legislation, to the legislature no later than twenty days prior  
18 to the convening of the regular session of 2021.

19 SECTION 4. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so  
21 much thereof as may be necessary for fiscal year 2020-2021 for



1 the University of Hawaii to conduct a study to examine the  
2 concurrent effects of sunscreen products on the decline of the  
3 State's coral reefs.

4 The sum appropriated shall be expended by the University of  
5 Hawaii for the purposes of this Act.

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Department of Health; Water Pollution; Sunscreen; Distribution;  
Prohibition; University of Hawaii; Study; Appropriation

**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. Requires and appropriates funds for the University of Hawaii to conduct a study to examine the concurrent effects of certain sunscreen products on the decline of the State's coral reefs. (SD1)

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

