

STAND. COM. REP. NO.

2512

Honolulu, Hawaii

FEB 12 2020

RE: S.B. No. 2778

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 2778 entitled:

"A BILL FOR AN ACT RELATING TO PRODUCTS CONTAINING SUN PROTECTION FACTOR INGREDIENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to require that all sunscreens sold and distributed in Hawaii must only contain active ingredients classified by the Food and Drug Administration as a Category I substance - generally recognized as safe and effective for the therapeutic indication, starting January 1, 2023.

Your Committee received testimony in support of this measure from Surfrider Oahu, Animal Rights Hawai'i, Friends of Hanauma Bay, H2Ohana, Activities & Attractions Association of Hawaii, Haereticus Environmental Laboratory, Kokua Sun Care LLC, Fair Wind Cruises, For the Fishes, Surfrider Foundation, and twenty-five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association, Personal Care Products Council, American Chemistry Council, Consumer Brands Association, and Consumer Healthcare Products Association. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that in February 2019, the Food and Drug Administration proposed an update to the regulatory requirements for nonprescription, over-the-counter sunscreen products. In the

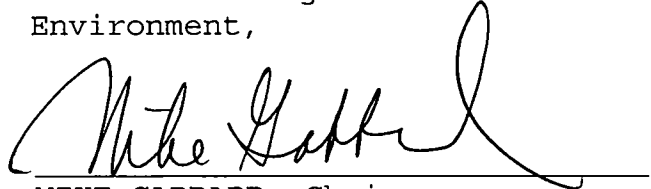


proposed update, the FDA proposed that only two of the sixteen active ingredients in commercial sunscreen products are generally recognized as safe and effective (GRASE). The remaining active ingredients are not confirmed or have yet to be confirmed to be GRASE.

Your Committee notes that the legislature has taken proactive action to prevent potential toxicologic impacts of active sunscreen ingredients on coral reefs and human health. Specifically, Act 104, Session Laws of Hawaii 2018, bans the sale, offer of sale, and distribution of sunscreen that contains oxybenzone or octinoxate in the State, without a prescription issued by a licensed healthcare provider. Accordingly, your Committee finds that this measure is in the interest of promoting the health of Hawaii's marine environment, residents, and the millions of visitors to the islands yearly.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2778 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,

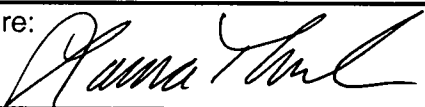


MIKE GABBARD, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 2778	Committee Referral: AEN, CPH	Date: 02/05/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RUDERMAN, Russell E. (VC)				X
RHOADS, Karl	X			
THIELEN, Laura H.	X			
FEVELLA, Kurt				X
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes