

JAN 21 2021

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

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

10           (b) Beginning January 1, 2023, it shall be unlawful to  
11 sell, offer for sale, or distribute for sale in the State any  
12 sunscreen that contains octocrylene, octisalate, or homosalate,  
13 without a prescription issued by a licensed healthcare provider.

14           ~~[(b)]~~ (c) No county shall enact any ordinance or  
15 regulatory restriction to prohibit the sale, use, labeling,  
16 packaging, handling, distribution, or advertisement of  
17 sunscreens containing ~~[oxybenzone]~~:



1       (1) Oxybenzone or octinoxate, or both, prior to January 1,  
2           2021[-]; and

3       (2) Octocrylene, octisalate, or homosalate, prior to  
4           January 1, 2023;

5       (c) For purposes of this section:

6       "Homosalate" refers to the chemical 3, 3, 5-  
7       Trimethylcyclohexyl 2-Hydroxybenzoate under the International  
8       Union of Pure and Applied Chemistry chemical nomenclature  
9       registry; that has a chemical abstract service registry number  
10       118-56-9; the synonyms of which include but are not limited to  
11       Coppertone, Homomenthyl salicylate, Heliopan, Heliophan,  
12       Filtersol "A", m-Homomenthyl salicylate, Kemester HMS,  
13       Trimethylcyclohenyl salicylate, and 3, 5-Trimethylcyclohexyl  
14       salicylate; and is intended to be used as protection against  
15       ultraviolet light radiation with a spectrum wavelength from 295  
16       nanometers to 315 nanometers in a sunscreen.

17       "Licensed healthcare provider" means a physician or  
18       osteopathic physician licensed pursuant to chapter 453, or an  
19       advanced practice registered nurse licensed pursuant to chapter  
20       457.



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

11 "Octisalate" refers to the chemical 2-ethylhexyl 2-  
12 hydroxybenzoate under the International Union of Pure and  
13 Applied Chemistry chemical nomenclature registry; that has a  
14 chemical abstract service registry number 118-60-5; the synonyms  
15 of which include but are not limited to benzoic acid, 2 hydroxy,  
16 2-ethylhexyl ester, 2-ethylhexyl salicylate, ethylhexyl  
17 salicylate, Dermoblock OS, Escalol 587, Eusolex OS, Neo Heliopan  
18 OS, NSC 46151, Octyl salicylate, Parsol EHS, Sunarome O,  
19 Sunarome WMO, Uvinul 0-18, and WMO; and is intended to be used  
20 as protection against ultraviolet light radiation in a  
21 sunscreen.



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

12       "Oxybenzone" refers to the chemical (2-Hydroxy-4-  
13 methoxyphenyl)-phenylmethanone under the International Union of  
14 Pure and Applied Chemistry chemical nomenclature registry; that  
15 has a chemical abstract service registry number 131-57-7; the  
16 synonyms of which include but are not limited to benzophenone-3,  
17 Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, Uvasorb MET/C,  
18 Syntase 62, UV 9, Uvinul 9, Uvinul M-40, Uvistat 24, USAF Cy-9,  
19 Uniphenone-3U, 4-methoxy-2-hydroxybenzophenone and Milestab 9;  
20 and is intended to be used as protection against ultraviolet



# S.B. NO. 132

1 light radiation with a spectrum wavelength from 370 nanometers  
2 to 220 nanometers in a sunscreen.

3 "Prescription" means an order for medication, that is  
4 dispensed to or for an ultimate user. "Prescription" shall not  
5 include an order for medication that is dispensed for immediate  
6 administration to the ultimate user, such as a chart order to  
7 dispense a drug to a bed patient for immediate administration in  
8 a hospital. "Prescription" includes an order for a sunscreen.

9 "Sunscreen" means a product marketed or intended for  
10 topical use to prevent sunburn. Sunscreen does not include  
11 products marketed or intended for use as a cosmetic, as defined  
12 in section 328-1, for the face."

13 SECTION 2. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 132

**Report Title:**

Environment; Water Pollution; Sunscreen; Homosalate;  
Octocrylene; Octisalate; Sale; Distribution; Prohibition

**Description:**

Adds the chemicals homosalate, octocrylene, and octisalate to  
the sale and distribution sunscreen ban beginning 1/1/23.

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not legislation or evidence of legislative intent.*

