

STAND. COM. REP. NO.

2601

Honolulu, Hawaii

**MAR 01 2018**

RE: S.B. No. 2571  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 2571, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WATER POLLUTION,"

begs leave to report as follows:

The purpose and intent of this measure is to preserve marine ecosystems, including coral reefs, by prohibiting the sale, offer for sale, and distribution in Hawaii of sun protection factor sunscreen protection personal care products containing oxybenzone and octinoxate without a medically licensed prescription.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, City Council of the City and County of Honolulu District 4 member Trevor Ozawa, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawaii County Council District 4 member Eileen O'Hara, The Humane Society of the United States, Kona-Kohala Chamber of Commerce, Ban Toxic Sunscreens Hawaii, League of Women Voters of Hawaii, Surfrider Foundation Oahu Chapter, Oxybenzone-Free Hawaii Island, For the Fishes, Sierra Club of Hawaii, High Crown, Littlehandshawaii, Kona Chapter Hawaii Farmers Union United, Hawaii Fishing and Boating Association, and forty-three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association, Consumer Healthcare Products Association, Personal Care Products Council, American Chemistry Council, and American Academy of Dermatology.



Your Committee received comments on this measure from the Department of Health, Department of Land and Natural Resources, and one individual.

Your Committee finds that two chemicals present in many sunscreens, oxybenzone and octinoxate, have significant harmful impacts on Hawaii's marine environment and ecosystems, including coral reefs that protect Hawaii's shoreline. Your Committee finds that these chemicals can increase mortality in coral and endocrine disruption in marine vertebrates and invertebrates. Your Committee further finds that levels of oxybenzone and octinoxate are refreshed every day by swimmers and beachgoers, preventing dissipation of the pollutants. Accordingly, your Committee finds that a ban on oxybenzone and octinoxate will protect Hawaii's wildlife, coral reefs, and ecosystems.

Your Committee has heard concerns from the Consumer Healthcare Products Association, Personal Care Products Council, American Chemistry Council, and American Academy of Dermatology that a ban on oxybenzone and octinoxate will lead to an increase in human ultraviolet light exposure and skin cancer. Your Committee also finds that alternative forms of sun protection exist, mitigating this harm. However, your Committee also finds that the death rate from melanoma is thirty percent higher in Hawaii than the national average and that effective sun protection can reduce the rate of melanoma and other skin cancers. Your Committee finds that these considerations are valid and wishes to advance this measure for purposes of further discussion.

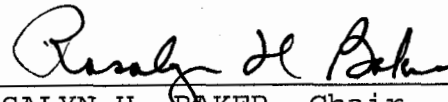
Your Committee has amended this measure by:

- (1) Replacing the phrase "medically licensed prescription" with the phrase "prescription issued by a licensed healthcare provider" and defining the term "prescription" for purposes of this measure;
- (2) Inserting an effective date of January 1, 2063, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2571, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2571, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,




---

ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2571, SBI	WTL/AEN, CPH	2/22/18		
<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 type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	—			
TOKUDA, Jill N. (VC)	—			
CHANG, Stanley	—			
ESPERO, Will	—			
IHARA, Jr., Les	—			
NISHIHARA, Clarence K.				—
RUDERMAN, Russell E.				—
<b>TOTAL</b>	5			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes