



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 3, 2018

GOV. MSG. NO. 1205

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2018, the following bill was signed into law:

SB2571 SD2 HD2 CD1

RELATING TO WATER POLLUTION
ACT 104 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 two chemicals
2 contained in many sunscreens, oxybenzone and octinoxate, have
3 significant harmful impacts on Hawaii's marine environment and
4 residing ecosystems, including coral reefs that protect Hawaii's
5 shoreline. Oxybenzone and octinoxate cause mortality in
6 developing coral; increase coral bleaching that indicates
7 extreme stress, even at temperatures below 87.8 degrees
8 Fahrenheit; and cause genetic damage to coral and other marine
9 organisms. These chemicals have also been shown to degrade
10 corals' resiliency and ability to adjust to climate change
11 factors and inhibit recruitment of new corals. Furthermore,
12 oxybenzone and octinoxate appear to increase the probability of
13 endocrine disruption. Scientific studies show that both
14 chemicals can induce feminization in adult male fish and
15 increase reproductive diseases in marine invertebrate species
16 (e.g., sea urchins), vertebrate species (e.g., fish such as
17 wrasses, eels, and parrotfish), and mammals (in species similar
18 to the Hawaiian monk seal). The chemicals also induce



1 deformities in the embryonic development of fish, sea urchins,
2 coral, and shrimp and induce neurological behavioral changes in
3 fish that threaten the continuity of fish populations. In
4 addition, species that are listed on the federal Endangered
5 Species Act and inhabit Hawaii's waters, including sea turtle
6 species, marine mammals, and migratory birds, may be exposed to
7 oxybenzone and octinoxate contamination.

8 The legislature further finds that environmental
9 contamination of oxybenzone and octinoxate persists in Hawaii's
10 coastal waters, as the contamination is constantly refreshed and
11 renewed every day by swimmers and beachgoers. Swimming and
12 other water activities cause these chemicals to pollute Hawaii's
13 water unless they are actively mitigated. Sewage contamination
14 of coastal waters is another source of oxybenzone and octinoxate
15 environmental contamination, as these chemicals are not removed
16 by the State's wastewater treatment system. Oxybenzone and
17 octinoxate are also discharged to the ground and surface waters
18 from cesspools, leaking septic systems, and municipal wastewater
19 collection and treatment systems. The legislature additionally
20 finds that elevated levels of oxybenzone and octinoxate have
21 been detected at popular swimming beaches and critical coral



1 reef areas throughout the State, including Waimea bay, Hanauma
2 bay, and Waikiki beach on Oahu, and Honolua bay and 'Ahihi-Kina'u
3 natural area reserve on Maui.

4 Accordingly, the purpose of this Act is to preserve marine
5 ecosystems, including coral reefs, by, beginning January 1,
6 2021, prohibiting the sale, offer for sale, and distribution in
7 Hawaii of sunscreen containing oxybenzone and octinoxate without
8 a prescription from a licensed healthcare provider.

9 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
10 amended by adding a new section to part I to be appropriately
11 designated and to read as follows:

12 "§342D- Sale and distribution of sunscreen containing
13 oxybenzone or octinoxate, or both; prohibition. (a) Beginning
14 January 1, 2021, it shall be unlawful to sell, offer for sale,
15 or distribute for sale in the State any sunscreen that contains
16 oxybenzone or octinoxate, or both, without a prescription issued
17 by a licensed healthcare provider.

18 (b) No county shall enact any ordinance or regulatory
19 restriction to prohibit the sale, use, labeling, packaging,
20 handling, distribution, or advertisement of sunscreens



1 containing oxybenzone or octinoxate, or both, prior to
2 January 1, 2021.

3 (c) For purposes of this section:

4 "Licensed healthcare provider" means a physician or
5 osteopathic physician licensed pursuant to chapter 453, or an
6 advanced practice registered nurse licensed pursuant to chapter
7 457.

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

18 "Oxybenzone" refers to the chemical (2-Hydroxy-4-
19 methoxyphenyl)-phenylmethanone under the International Union of
20 Pure and Applied Chemistry chemical nomenclature registry; that
21 has a chemical abstract service registry number 131-57-7; the



1 synonyms of which include but are not limited to benzophenone-3,
2 Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, Uvasorb MET/C,
3 Syntase 62, UV 9, Uvinul 9, Uvinul M-40, Uvistat 24, USAF Cy-9,
4 Uniphenone-3U, 4-methoxy-2-hydroxybenzophenone and Milestab 9;
5 and is intended to be used as protection against ultraviolet
6 light radiation with a spectrum wavelength from 370 nanometers
7 to 220 nanometers in a sunscreen.

8 "Prescription" means an order for medication, that is
9 dispensed to or for an ultimate user. "Prescription" shall not
10 include an order for medication that is dispensed for immediate
11 administration to the ultimate user, such as a chart order to
12 dispense a drug to a bed patient for immediate administration in
13 a hospital. "Prescription" includes an order for a sunscreen.

14 "Sunscreen" means a product marketed or intended for
15 topical use to prevent sunburn. Sunscreen does not include
16 products marketed or intended for use as a cosmetic, as defined
17 in section 328-1, for the face."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2018.

APPROVED this 3 day of JUL, 2018

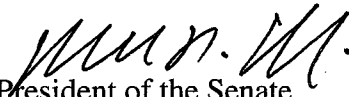



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 1, 2018
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai‘i, Regular Session of 2018.


President of the Senate


Clerk of the Senate

SB No. 2571, SD 2, HD 2, CD 1

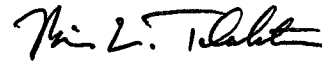
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives