

JAN 19 2018

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 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



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

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



1 been detected at popular swimming beaches and critical coral
2 reef areas throughout the State, including Waimea bay, Hanauma
3 bay, and Waikiki beach on Oahu, and Honolua bay and Ahihi nature
4 reserve area on Maui.

5 Accordingly, the purpose of this Act is to preserve marine
6 ecosystems, including coral reefs, by prohibiting the sale in
7 Hawaii of ultraviolet sun protection factor sunscreen personal
8 care products containing oxybenzone and octinoxate.

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 of sunscreen products containing oxybenzone
13 or octinoxate, or both; prohibition. (a) It shall be unlawful
14 to sell, offer for sale, or distribute for sale in the State any
15 SPF sunscreen protection personal care product that contains
16 oxybenzone or octinoxate, or both, without a medically-licensed
17 prescription.

18 (b) For purposes of this section:

19 "Octinoxate" refers to the chemical ((RS)-2-Ethylhexyl
20 (2E)-3-(4-methoxyphenyl)prop-2-enoate under the International
21 Union of Pure and Applied Chemistry chemical nomenclature



1 registry; that has a chemical abstract service registry number
2 5466-77-3; whose synonyms include but are not limited to
3 ethylhexyl methoxycinnamate, octyl methoxycinnamate, Eusolex
4 2292, Neo Heliopan AV, NSC 26466, Parsol MOX, Parasol MCX,
5 Parsol MOX, and Uvinul MC80; and is intended to be used as
6 protection against ultraviolet light radiation with a spectrum
7 wavelength from 370 nanometers to 220 nanometers in an SPF
8 sunscreen protection personal care product.

9 "Oxybenzone" refers to the chemical (2-Hydroxy-4-
10 methoxyphenyl)-phenylmethanone under the International Union of
11 Pure and Applied Chemistry chemical nomenclature registry; that
12 has a chemical abstract service registry number 131-57-7; whose
13 synonyms include but are not limited to benzophenone-3, Escalol
14 567, Eusolex 4360, KAHSSCREEN BZ-3, Uvasorb MET/C, Syntase 62, UV
15 9, Uvinul 9, Uvinul M-40, Uvistat 24, USAF Cy-9, Uniphenone-3U,
16 4-methoxy-2-hydroxybenzophenone and Milestab 9; and is intended
17 to be used as protection against ultraviolet light radiation
18 with a spectrum wavelength from 370 nanometers to 220 nanometers
19 in an SPF sunscreen protection personal care product.

20 "SPF sunscreen protection personal care product" includes
21 but is not limited to lotion, paste, balm, ointment, cream,



S.B. NO. 2571

1 solid stick applicator, brush applicator, roll-on applicator,
 2 aerosol spray, non-aerosol spray pump, and automated and manual
 3 mist spray."

4 SECTION 3. This Act does not affect rights and duties that
 5 matured, penalties that were incurred, and proceedings that were
 6 begun before its effective date.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on January 1, 2019.

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INTRODUCED BY: *Nick LaRocca*
Gene Merando Ke
Diana
Clarena K. Friedrich
Y. Alvarez



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Report Title:

Environment; Sunscreen Protection Personal Care Products;
Oxybenzone; Octinoxate; Sale; Prohibition

Description:

Bans the sale, offer of sale, or distribution in the State of any SPF sunscreen protection personal care product that contains oxybenzone or octinoxate, or both, without a medically-licensed prescription. Takes effect 1/1/2019.

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