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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. 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



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-Kīna'u  
4 natural area reserve on Maui.

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

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

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

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



1 containing oxybenzone or octinoxate, or both, prior to July 1,  
2 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  
9 (2E)-3-(4-methoxyphenyl)prop-2-enoate under the International  
10 Union of Pure and Applied Chemistry chemical nomenclature  
11 registry; that has a chemical abstract service registry number  
12 5466-77-3; whose synonyms include but are not limited to  
13 ethylhexyl methoxycinnamate, octyl methoxycinnamate, Eusolex  
14 2292, Neo Heliopan AV, NSC 26466, Parsol MOX, Parsol MCX, and  
15 Uvinul MC80; and is intended to be used as protection against  
16 ultraviolet light radiation with a spectrum wavelength from 370  
17 nanometers 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; whose



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

8 "Prescription" means an order for medication, which 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 for topical use to  
15 prevent sunburn."

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

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on January 1, 2063.



**Report Title:**

Environment; Water Pollution; Sunscreen; Oxybenzone; Octinoxate;  
Sale; Distribution; Prohibition

**Description:**

Bans the sale, offer of sale, or distribution in the State of any sunscreen that contains oxybenzone or octinoxate, or both, without a prescription issued by a licensed healthcare provider to preserve marine ecosystems. Prohibits counties from enacting an ordinance or regulatory restriction to prohibit the sale, use, labeling, packaging, handling, distribution, or advertisement of sunscreens containing oxybenzone or octinoxate, or both, prior to July 1, 2021. (SB2571 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

