

---

# 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:

- 7 (1) Beginning July 1, 2019, prohibiting the sale, offer  
8 for sale, and distribution in Hawaii of sunscreen  
9 containing oxybenzone and octinoxate without a  
10 prescription from a licensed healthcare provider; and
- 11 (2) Appropriating moneys to the department of land and  
12 natural resources for education and outreach on the  
13 prohibition and environmental impacts of sunscreen  
14 containing oxybenzone and octinoxate.

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

18 "§342D- Sale and distribution of sunscreen containing  
19 oxybenzone or octinoxate, or both; prohibition. (a) Beginning  
20 July 1, 2019, it shall be unlawful to sell, offer for sale, or  
21 distribute for sale in the State any sunscreen that contains



1 oxybenzone or octinoxate, or both, without a prescription issued  
2 by a licensed healthcare provider.

3 (b) No county shall enact any ordinance or regulatory  
4 restriction to prohibit the sale, use, labeling, packaging,  
5 handling, distribution, or advertisement of sunscreens  
6 containing oxybenzone or octinoxate, or both, prior to July 1,  
7 2019.

8 (c) For purposes of this section:

9 "Licensed healthcare provider" means a physician or  
10 osteopathic physician licensed pursuant to chapter 453, or an  
11 advanced practice registered nurse licensed pursuant to chapter  
12 457.

13 "Octinoxate" refers to the chemical (RS)-2-Ethylhexyl (2E)-  
14 3-(4-methoxyphenyl)prop-2-enoate under the International Union  
15 of Pure and Applied Chemistry chemical nomenclature registry;  
16 that has a chemical abstract service registry number 5466-77-3;  
17 the synonyms of which include but are not limited to ethylhexyl  
18 methoxycinnamate, octyl methoxycinnamate, Eusolex 2292, Neo  
19 Heliopan AV, NSC 26466, Parsol MOX, Parsol MCX, and Uvinul MC80;  
20 and is intended to be used as protection against ultraviolet



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

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

14 "Prescription" means an order for medication, that is  
15 dispensed to or for an ultimate user. "Prescription" shall not  
16 include an order for medication that is dispensed for immediate  
17 administration to the ultimate user, such as a chart order to  
18 dispense a drug to a bed patient for immediate administration in  
19 a hospital. "Prescription" includes an order for a sunscreen.

20 "Sunscreen" means a product marketed for topical use to  
21 prevent sunburn."



1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$200,000 or so much  
3 thereof as may be necessary for fiscal year 2018-2019 for  
4 outreach and education on the prohibition and environmental  
5 impacts of sunscreen containing oxybenzone and octinoxate.

6 The sum appropriated shall be expended by the department of  
7 land and natural resources for the purposes of this Act.

8 SECTION 4. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 5. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on July 1, 2018.



**Report Title:**

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

**Description:**

Beginning July 1, 2019, 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. Appropriates moneys to the Department of Land and Natural Resources for outreach and education on the prohibition and environmental impacts of sunscreen containing oxybenzone and octinoxate. (SB2571 HD2)

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

