

JAN 17 2020

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 Act 104, Session
2 Laws of Hawaii 2018, prevents the sale and distribution of
3 sunscreen containing oxybenzone and octinoxate in the State
4 beginning in 2021 to preserve the State's marine ecosystems.

5 The purpose of this Act is to further prohibit the sale and
6 distribution of sunscreen containing certain chemicals within
7 the State and allow the department of health to prevent the sale
8 of additional chemicals through its administrative rulemaking
9 process.

10 SECTION 2. Section 342D-21, Hawaii Revised Statutes, is
11 amended to read as follows:

12 " ~~[f]~~ §342D-21 ~~[f]~~ Sale and distribution of sunscreen
13 containing oxybenzone ~~[e]~~, octinoxate, octocrylene, octisalate,
14 or ~~[both]~~ homosalate; prohibition. (a) Beginning January 1,
15 2021, it shall be unlawful to sell, offer for sale, or
16 distribute for sale in the State any sunscreen that contains
17 oxybenzone ~~[e]~~, octinoxate, octocrylene, octisalate, or ~~[both]~~



1 homosalate without a prescription issued by a licensed
2 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, octocrylene, octisalate,
7 or [~~both,~~] homosalate prior to January 1, 2021.

8 (c) The department may adopt rules pursuant to chapter 91
9 to prevent the sale and distribution of additional chemicals in
10 sunscreens within the State.

11 [~~(e)~~] (d) For purposes of this section:

12 "Homosalate" refers to the chemical 3, 3, 5-
13 Trimethylcyclohexyl 2-Hydroxybenzoate under the International
14 Union of Pure and Applied Chemistry chemical nomenclature
15 registry; that has a chemical abstract service registry number
16 118-56-9; the synonyms of which include but are not limited to
17 Coppertone, Homomenthyl salicylate, Heliopan, Heliophan,
18 Filtersol "A", m-Homomenthyl salicylate, Kemester HMS,
19 Trimethylcyclohexyl salicylate, and 3, 5-Trimethylcyclohexyl
20 salicylate; and is intended to be used as protection against



1 ultraviolet light radiation with a spectrum wavelength from 295
2 nanometers to 315 nanometers in a sunscreen.

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

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

17 "Octisalate" refers to the chemical 2-ethylhexyl 2-
18 hydroxybenzoate under the International Union of Pure and
19 Applied Chemistry chemical nomenclature registry; that has a
20 chemical abstract service registry number 118-60-5; the synonyms
21 of which include but are not limited to benzoic acid, 2 hydroxy,



1 2-ethylhexyl ester, 2-ethylhexyl salicylate, ethylhexyl
2 salicylate, Dermoblock OS, Escalol 587, Eusolex OS, Neo Heliopan
3 OS, NSC 46151, Octyl salicylate, Parsol EHS, Sunarome O,
4 Sunarome WMO, Uvinul 0-18, and WMO; and is intended to be used
5 as protection against ultraviolet light radiation in a
6 sunscreen.

7 "Octocrylene" refers to the chemical 2-ethylhexyl 2-cyano-
8 3, 3-diphenyl-2-propenoate under the International Union of Pure
9 and Applied Chemistry chemical nomenclature registry; that has a
10 chemical abstract service registry number 6197-30-4; the
11 synonyms of which include but are not limited to octocrylene,
12 Uvinul N-539, 2-ethylhexyl 2-cyano-3-3-diphenylacrylate,
13 Octocrileno, Parasol 340, UV Absorber-3, Escalol 597, Eusolex
14 OCR, Neo Heliopan 303, Sanduvor 3039, Seesorb 502, and Viosorb
15 930; and is intended to be used as protection against
16 ultraviolet light radiation with a maximum spectrum wavelength
17 at 303 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. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

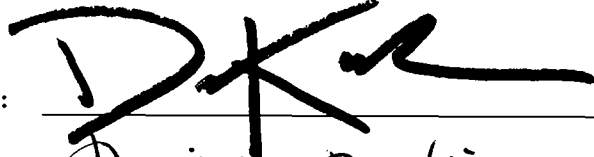


S.B. NO. 2621

1 SECTION 4. This Act shall take effect upon its approval.

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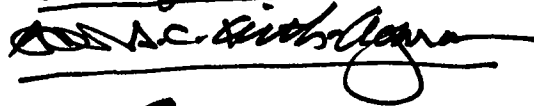
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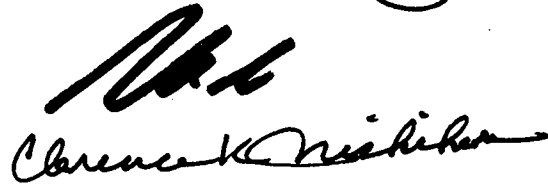


Michelle D. Sidani

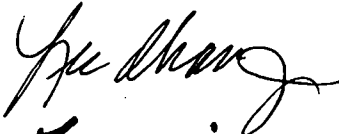


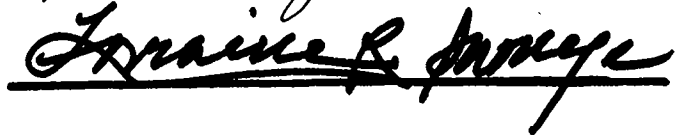
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S.B. NO. 2621

Report Title:

Department of Health; Water Pollution; Sunscreen; Distribution;
Prohibition

Description:

Adds the chemicals homosalate, octocrylene, and octisalate to the sale and distribution sunscreen ban beginning on 1/1/2021. Allows the Department of Health to adopt rules to add additional harmful chemicals to the sale and distribution ban.

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

