
A BILL FOR AN ACT

RELATING TO WATER POLLUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 342D-21, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§342D-21[+]~~ **Sale and distribution of sunscreen**
4 **containing oxybenzone ~~[or]~~, octinoxate, ~~[or both;]~~ avobenzene,**
5 **or octocrylene; prohibition.** (a) Beginning January 1, 2021, it
6 shall be unlawful to sell, offer for sale, or distribute for
7 sale in the State any sunscreen that contains oxybenzone or
8 octinoxate, or both, without a prescription issued by a licensed
9 healthcare provider.

10 (b) Beginning January 1, 2023, it shall be unlawful to
11 sell, offer for sale, or distribute for sale in the State any
12 sunscreen that contains avobenzene or octocrylene without a
13 prescription issued by a licensed healthcare provider.

14 ~~[(b)]~~ (c) No county shall enact any ordinance or
15 regulatory restriction to prohibit the sale, use, labeling,
16 packaging, handling, distribution, or advertisement of
17 sunscreens containing ~~[oxybenzone]~~:



1 (1) Oxybenzone or octinoxate, or both, prior to January 1,
2 2021[-]; and

3 (2) Avobenzene or octocrylene, or both, prior to
4 January 1, 2023.

5 [+e+] (d) For purposes of this section:

6 "Avobenzene" refers to the chemical 1-(4-Methoxyphenyl)-3-
7 (4-tert-butylphenyl)propane-1,3-dione under the International
8 Union of Pure and Applied Chemistry chemical nomenclature
9 registry that has a Chemical Abstracts Service registry number
10 70356-09-1, the synonyms of which include but are not limited to
11 Butylmethoxydibenzolylmethane, Butyl Methoxydibenzoylmethane, 4-
12 tert-Butyl-4'-Methoxydibenzoylmethane, Parsol 1789, Milestab
13 1789, Eusolex 9020, Escalol 517, Neo Heliopan 357, 1-(4-tert-
14 butylphenyl)-3-(4-methoxyphenyl)propane-1,3-dione, and 4-tert-
15 Butyl-4'-methoxy-dibenzoylmethane-1,3-Propanedione, and is
16 intended to be used as protection against ultraviolet light
17 radiation with a maximum absorption peak of 357 nanometers in a
18 sunscreen.

19 "Licensed healthcare provider" means a physician or
20 osteopathic physician licensed pursuant to chapter 453, or an



1 advanced practice registered nurse licensed pursuant to
2 chapter 457.

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

13 "Octocrylene" refers to the chemical 2-ethylhexyl 2-cyano
14 3, 3-diphenyl-2-propenoate under the International Union of Pure
15 and Applied Chemistry chemical nomenclature registry that has a
16 Chemical Abstracts Service registry number 6197-30-4, the
17 synonyms of which include but are not limited to octocrylene,
18 Uvinul N-539, 2-ethylhexyl 2-cyano-3-3-diphenylacrylate,
19 Octocrileno, Parasol 340, UV Absorber-3, Escalol 597, Eusolex
20 OCR, Neo Heliopan 303, Sanduvor 3039, Seesorb 502, and Viosorb
21 930, and is intended to be used as protection against



1 ultraviolet light radiation with a maximum spectrum wavelength
2 of 303 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[7] 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 or intended for
21 topical use to prevent sunburn. [~~Sunscreen~~] "Sunscreen" does



1 not include products marketed or intended for use as a cosmetic,
2 as defined in section 328-1, for the face."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Environment; Water Pollution; Sunscreen; Avobenzone;
Octocrylene; Sale; Distribution; Prohibition

Description:

Beginning January 1, 2023, bans the sale, offer for sale, or distribution in the State of any sunscreen that contains avobenzone or octocrylene, or both, without a prescription issued by a licensed healthcare provider. Effective 7/1/2050.
(HD1)

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