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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. 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]~~ avobenzone,  
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 avobenzone 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 the chemical 1-(4-Methoxyphenyl)-3-(4-  
7 tert-butylphenyl)propane-1,3-dione under the International Union  
8 of Pure and Applied Chemistry chemical nomenclature registry;  
9 that has a Chemical Abstracts Service registry number 70356-09-  
10 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 chapter  
2 457.

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 at 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, 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" does not include



1 products marketed or intended for use as a cosmetic, as defined  
2 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 upon its approval.



**Report Title:**

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

**Description:**

Beginning January 1, 2023, bans the sale, offer of 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 to preserve marine ecosystems. (SD2)

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

