

---

## A BILL FOR AN ACT

RELATING TO PRESERVING CORAL REEFS.

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

1       SECTION 1. The legislature finds that coral decline poses  
2 a significant threat worldwide. While scientists from around  
3 the world agree that the primary causes of coral decline are  
4 related to global warming, agricultural runoff, sewage, and  
5 overfishing, recent studies have shown that oxybenzone, a common  
6 sunscreen ingredient, may also have detrimental effects on coral  
7 reefs. The threat is particularly acute in Hawaiian ocean  
8 waters where coral bleaching is occurring at a historic rate  
9 never previously recorded.

10       The legislature further finds that skin cancer poses a  
11 significant threat to the health of Americans and that  
12 3,5000,000 skin cancer cases, including seventy-five thousand  
13 new cases of invasive melanoma, are diagnosed in the United  
14 States annually. Sunscreens play a vital role in protecting  
15 Hawaii residents and visitors from dangerous ultraviolet rays  
16 and in preventing skin cancers. The State must balance its need  
17 to protect Hawaiian ocean waters and coral reefs with the need



1 to protect the public's health and safety. Therefore, any  
2 action taken to ban sunscreen ingredients approved by the United  
3 States Food and Drug Administration must be done in a manner  
4 that does not jeopardize the health of Hawaii's residents and  
5 visitors while providing access to a wide range of safe and  
6 reliable sun protection products for all skin types.

7 The legislature further finds that although reasonable  
8 alternatives to oxybenzone currently exist for lower sun  
9 protection factor sunscreens, and a new generation of  
10 photostable, broad spectrum sunscreens offering both ultraviolet  
11 A and ultraviolet B protection is available outside the United  
12 States, the development of oxybenzone-free alternatives for  
13 higher sun protection factor products has been substantially  
14 delayed in the United States due to the United States Food and  
15 Drug Administration delay in approving new sunscreen  
16 ingredients. In fact, the United States Food and Drug  
17 Administration has not approved a new sunscreen ingredient since  
18 the 1990s.

19 The legislature believes that given a reasonable timeframe  
20 for reformulation and United States Food and Drug Administration  
21 approval of new ingredients, it is possible for sunscreen



1 manufacturers to provide a full range of oxybenzone-free  
2 sunscreen products that will allow beach users to enjoy the  
3 outdoors without compromising sun protection.

4 The purpose of this Act is to protect Hawaii's coral reefs  
5 by prohibiting the sale of sunscreens containing oxybenzone  
6 without compromising Hawaii residents' and visitors' ability to  
7 protect themselves from sunburns and the damage caused by  
8 harmful ultraviolet A and ultraviolet B rays.

9 SECTION 2. Chapter 328, Hawaii Revised Statutes, is  
10 amended by adding a new section to part I to be appropriately  
11 designated and to read as follows:

12 "§328- Oxybenzone; sunscreen restrictions. (a)  
13 Beginning January 1, 2023, no person shall sell a sunscreen  
14 containing oxybenzone in Hawaii, unless the sunscreen is a  
15 prescription drug as defined in section 328-112.

16 (b) No county shall enact any ordinance or regulatory  
17 restriction to ban or otherwise regulate in any manner the sale,  
18 use, labeling, packaging, handling, distribution, or  
19 advertisement of products containing oxybenzone or other  
20 ingredients approved by the United States Food and Drug  
21 Administration pursuant to the Federal Food, Drug, and Cosmetics



1 Act, title 21 United States Code section 301, et seq., as  
 2 amended, except as provided in subsection (a).

3 (c) For purposes of this section:

4 "Oxybenzone" includes benzophenone-3 and 2-hydroxy-4-  
 5 methoxyphenyl phenylmethanone.

6 "Sunscreen" means a product marketed for topical use to  
 7 prevent sunburn."

8 SECTION 3. 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 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on January 1, 2023.

13

INTRODUCED BY:

Sen. Carl

Sen. [Signature]

T. Stalew

Tom Ben

[Signature]

Matt Lepore

[Signature]



# H.B. NO. 2123

**Report Title:**

Sunscreen; Oxybenzone; Beaches; Ocean

**Description:**

Prohibits the sale of sunscreen containing oxybenzone, unless the sunscreen is a prescription drug. Effective 1/1/2023.

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

