
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 3,500,000
12 skin cancer cases, including seventy-five thousand new cases of
13 invasive melanoma, are diagnosed in the United States annually.
14 Sunscreens play a vital role in protecting Hawaii residents and
15 visitors from dangerous ultraviolet rays and in preventing skin
16 cancers. The State must balance its need to protect Hawaiian
17 ocean waters and coral reefs with the need to protect the



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



Report Title:

Sunscreen; Oxybenzone; Coral Reefs; Ocean

Description:

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

Prohibits the counties from further banning or otherwise regulating sunscreens containing oxybenzone or other ingredients approved by the United States Food and Drug Administration.

(HB2723 HD1)

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