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# A BILL FOR AN ACT

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RELATING TO PRESERVING CORAL REEFS.

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

1       SECTION 1. The legislature finds that the chemicals  
2 oxybenzone and octinoxate, which are found in some sunscreens,  
3 enter the ocean by washing off swimmers, surfers, paddlers,  
4 spearfishers, divers, and other ocean users. Although these  
5 chemicals are also present in other products, sunscreen products  
6 are by far the largest source of oxybenzone and octinoxate  
7 present in the ocean.

8       The legislature further finds that notable scientific  
9 evidence from years of research shows that oxybenzone and  
10 octinoxate are toxic to coral and threaten the health of reefs.  
11 These chemicals bioaccumulate in corals and cause developmental  
12 deformities, cellular degradation, and tissue lysis in coral  
13 larvae, which makes them unable to swim and settle out to form  
14 new coral colonies. In addition, exposure to oxybenzone and  
15 octinoxate makes coral more susceptible to bleaching at lower  
16 temperatures, and reduces the resiliency of a reef and its



1 ability to recover from the impacts of other environmental  
2 hazards.

3 The legislature also finds that oxybenzone and octinoxate  
4 also have negative effects on human health. These chemicals are  
5 readily absorbed in the body and have been shown to cause  
6 disruptive reproductive effects. The legislature finds that  
7 according to a peer-reviewed study published in the scientific  
8 journal Environmental Science & Technology, exposure to these  
9 sunscreen chemicals has an estrogenic effect in the body, which  
10 can lead to endometriosis, breast cancer, and low birth weights  
11 for pregnant women. Oxybenzone exposure has also been linked to  
12 lower testosterone levels in boys and men.

13 The legislature also finds that researchers have found  
14 oxybenzone concentrations in some Hawaiian waters to be more  
15 than thirty times the level considered safe for coral. The  
16 legislature believes that Hawaii's beautiful beaches and coral  
17 reefs must be preserved to protect our economy, environment, and  
18 way of life.

19 Accordingly, the purpose of this Act is to protect our  
20 oceans and the health of residents and visitors by prohibiting  
21 the sale of non-prescription sunscreen products that contain



1 oxybenzone or octinoxate. The legislature notes that  
2 prohibiting the sale of non-prescription sunscreen products with  
3 these chemicals will not jeopardize public health. Effective  
4 sunscreen products can be made with mineral filters, such as  
5 non-nano zinc oxide and titanium dioxide, and are readily  
6 available.

7 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is  
8 amended by adding a new section to part IV to be appropriately  
9 designated and to read as follows:

10 "§342D- Sale and distribution of certain sunscreen  
11 products prohibited. (a) After December 31, 2019, it shall be  
12 unlawful to sell, offer for sale, or distribute for sale any SPF  
13 sunscreen product that contains oxybenzone or octinoxate, unless  
14 the product is sold or distributed to fulfill a prescription.

15 (b) For purposes of this section:

16 "Cosmetic" and "prescription" have the same meaning as in  
17 section 328-1.

18 "Octinoxate" means the chemical (RS)-2-Ethylhexyl (2E)-3-  
19 (4-methoxyphenyl)prop-2-enoate under the International Union of  
20 Pure and Applied Chemistry chemical nomenclature registry that  
21 has a chemical abstract service registry number 5466-77-3, and



1 whose synonyms include ethylhexylmethoxycinnamate, octyl  
2 methoxycinnamate, Eusolex 2292, and Uvinul MC80, and is intended  
3 to be used as protection against ultraviolet light radiation  
4 with a spectrum wavelength from 370 nanometers to 220 nanometers  
5 in an epidermal sunscreen-protection personal care product.

6 "Oxybenzone" means the chemical (2-Hydroxy-4-  
7 methoxyphenyl)-phenylmethanone under the International Union of  
8 Pure and Applied Chemistry chemical nomenclature registry that  
9 has a chemical abstract service registry number 131-57-7, and  
10 whose synonyms include benzophenone-3, Escalol 567, Eusolex  
11 4360, KAHSCREEN BZ-3, 4-methoxy-2-hydroxybenzophenone and  
12 Milestab 9, and is intended to be used as protection against  
13 ultraviolet light radiation with a spectrum wavelength from 370  
14 nanometers to 220 nanometers in an epidermal sunscreen-  
15 protection personal care product.

16 "SPF sunscreen product" means any sunscreen, sunblock, or  
17 suntan product that is subject to regulation under title 21 Code  
18 of Federal Regulations part 352; provided that "SPF sunscreen  
19 product" does not include any cosmetic.

20 (c) Any person who violates this section shall be guilty  
21 of a petty misdemeanor."



- 1 SECTION 3. New statutory material is underscored.
- 2 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Sunscreen; Octinoxate; Oxybenzone; Prohibitions; Criminal  
Penalty

**Description:**

Prohibits the sale, offer for sale, or distribution for sale of  
non-prescription SPF sunscreen products containing octinoxate or  
oxybenzone. Violation of the prohibition is a petty  
misdemeanor. (HB2723 HD2)

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not legislation or evidence of legislative intent.*

