

JAN 24 2018

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# 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 that oxybenzone, a  
6 common sunscreen ingredient, also has detrimental effects on  
7 coral reefs. The World Conservation Congress of the  
8 International Union for Conservation of Nature met in September  
9 2016 in Honolulu. The Congress disclosed that 2015 research led  
10 by a University of Hawai'i professor implicated oxybenzone in  
11 coral larvae deformity, bleaching, and DNA damage that weakens  
12 coral systems' adaptability to climate change. The threat is  
13 particularly acute in Hawaiian ocean waters where coral  
14 bleaching is occurring at a historic rate never before noted in  
15 recorded history. The legislature brought attention to this  
16 issue during the regular session of 2017, and the senate is



1 committed to enacting the seventeen United Nations sustainable  
2 development goals as a priority for the regular session of 2018.

3       The findings of the World Conservation Congress of the  
4 International Union for Conservation of Nature is in line with  
5 the senate's focus on "Aloha Honua - Climate Change and Energy".  
6 Aloha Honua seeks to protect and preserve the natural resources  
7 of Hawai'i by exploring ways to improve agricultural practices  
8 and mitigate climate change impacts. Aloha Honua is a  
9 commitment to supporting the preservation of nature's unique  
10 geographic features, including coral reefs, coastlines, and  
11 watersheds. Aloha Honua also encourages the use of innovative  
12 technologies to combat invasive species, address biosecurity  
13 risks, conserve the State's water resources and coral reefs,  
14 address changing sea levels, and protect the State's fragile  
15 marine ecosystem.

16       The legislature further finds that skin cancer poses a  
17 significant threat to the health of Americans and that 3,500,000  
18 million skin cancers, including 75,000 new cases of invasive  
19 melanoma, are diagnosed in the United States annually.  
20 Sunscreens play a vital role in protecting Hawaii residents and  
21 visitors from dangerous ultraviolet rays and in preventing skin



1 cancers. The State must balance its need to protect Hawaiian  
2 ocean waters and coral reefs with the need to protect the  
3 public's health and safety. Therefore, any action taken to ban  
4 sunscreen ingredients approved by the federal Food and Drug  
5 Administration must be done in a manner that does not jeopardize  
6 Hawaii residents' and visitors' health, and still provides  
7 access to a wide range of safe and reliable sun protection  
8 products for all skin types.

9 The legislature further finds that there are reasonable  
10 alternatives to oxybenzone-based sunscreens such as zinc oxide  
11 and titanium oxide, that allow beach users to enjoy the outdoors  
12 without compromising sun protection. The legislature  
13 acknowledges, however, that the development of oxybenzone-free,  
14 higher SPF products has been substantially delayed in the United  
15 States due to delay by the Food and Drug Administration in  
16 approving new sunscreen ingredients. In fact, the Food and Drug  
17 Administration has not approved a new sunscreen ingredient for  
18 use within the United States since the 1990s.

19 The legislature finds that given a reasonable time frame  
20 for reformulation and Food and Drug Administration approval of  
21 new ingredients, it is possible for sunscreen manufacturers to



1 provide a full range of oxybenzone-free sunscreen products that  
2 will allow beach users to enjoy the outdoors without  
3 compromising sun protection and without contributing to the  
4 degradation of the coral reefs of Hawai'i.

5 As such, the purpose of this Act is to protect the coral  
6 reefs of Hawai'i by prohibiting the sale of sunscreens and  
7 personal care products containing oxybenzone or octinoxate in  
8 the State.

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

12 "§328- Oxybenzone and octinoxate; sunscreen and personal  
13 care products restrictions. (a) Beginning January 1, 2023, no  
14 person shall sell, offer to sell, or distribute for sale  
15 sunscreen or personal care products that contain oxybenzone or  
16 octinoxate in Hawaii, unless the sunscreen is a prescription  
17 drug as defined in section 328-112.

18 (b) For purposes of this section:

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



1 chemical abstract service registry number 5466-77-3, and whose  
2 synonyms include ethylhexyl methoxycinnamate, octyl  
3 methoxycinnamate, Eusolex 2292, and Uvinul MC80, and is intended  
4 to be used as protection against ultraviolet light radiation  
5 with a spectrum wavelength from 370 nanometers to 220 nanometers  
6 in an epidermal sunscreen-protection personal care product.

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

17 SECTION 3. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 4. New statutory material is underscored.

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# S.B. NO. 2985

1 SECTION 5. This Act shall take effect upon its approval.

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# S.B. NO. 2985

**Report Title:**

Sunscreen; Personal Care Products; Oxybenzone; Octinoxate; Coral Reefs

**Description:**

Prohibits the sale of sunscreen or personal care products that contain oxybenzone or octinoxate in Hawaii, beginning 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.*

