

STAND. COM. REP. NO.

2582

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 3001  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 3001 entitled:

"A BILL FOR AN ACT RELATING TO SUNSCREEN,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the sale, offer for sale, and distribution of sunscreen products containing specified active ingredients beginning January 1, 2023.

Your Committee received testimony in support of this measure from the 'Ahihi-Kina'u Natural Area Reserve, Mālama Pūpūkea-Waimea, Wild Kids, Surfrider Foundation, Friends of Hanauma Bay, Hawai'i Reef and Ocean Coalition, Kohala Center, one member of the Maui County Council, and thirty-two individuals. Your Committee received testimony in opposition to this measure from Sato Dermatology, Hawaii Dermatology & Plastic Surgery Centers, Personal Care Products Council, Consumer Healthcare Products Association, Hawaii Dermatological Society, American Academy of Dermatology Public Access to Sunscreens Coalition, Retail Merchants of Hawaii, Hawaii Skin Cancer Coalition, Hawaii Food Industry Association, and four individuals. Your Committee received comments on this measure from the Department of Health, Department of Land and Natural Resources, and one individual.

Your Committee finds that many sunscreen products contain active ingredients that may be harmful to human health and the



environment. Recently, the Food and Drug Administration posted a proposed order to recategorize many active sunscreen ingredients as no longer Generally Recognized As Safe and Effective (GRASE). The proposed order limited the number of ingredients categorized as GRASE to just two. To account for the unknown and potentially damaging effects of ingredients not categorized as GRASE, this measure prohibits the sale, offer for sale, and distribution of sunscreen products not categorized as GRASE. Your Committee further finds, however, that the current form of this measure would have the unintended effect of removing an explicit ban on oxybenzone and octinoxate.

Accordingly, your Committee has amended this measure by:

- (1) Restoring existing statutory language that prohibits oxybenzone and octinoxate;
- (2) Specifying that the prohibition of active ingredients that are not generally recognized as safe and effective begins January 1, 2023;
- (3) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3001, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3001, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Agriculture and  
Environment,



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MIKE GABBARD, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:* <i>SB 3001</i>	Committee Referral: <i>AEN, CPN/JDL</i>	Date: <i>02/07/22</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
NISHIHARA, Clarence K. (VC)	/			
ACASIO, Laura	/			
RHOADS, Karl	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	<i>5</i>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Clarence K. Nishihara</i></div>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office              Drafting Agency              Committee File Copy				

\*Only one measure per Record of Votes