

JAN 21 2022

A BILL FOR AN ACT

RELATING TO SUNSCREEN.

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

1 SECTION 1. Section 342D-21, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§342D-21[+] Sale and distribution of sunscreen~~
4 ~~[containing oxybenzone or octinoxate, or both; prohibition.]~~;
5 active ingredients; generally recognized as safe and effective.

6 (a) ~~[Beginning January 1, 2021, it]~~ It shall be unlawful to
7 sell, offer for sale, or distribute for sale in the State any
8 sunscreen that contains ~~[oxybenzone or octinoxate, or both,]~~
9 active ingredients that are not generally recognized as safe and
10 effective by the United States Food and Drug Administration,
11 without a prescription issued by a licensed ~~[healthcare]~~ health
12 care provider.

13 ~~[(b) No county shall enact any ordinance or regulatory~~
14 ~~restriction to prohibit the sale, use, labeling, packaging,~~
15 ~~handling, distribution, or advertisement of sunscreens~~
16 ~~containing oxybenzone or octinoxate, or both, prior to~~
17 ~~January 1, 2021.~~



1 ~~(e)~~ (b) For purposes of this section:

2 "Licensed ~~healthcare~~ health care provider" means a
3 physician or osteopathic physician licensed pursuant to
4 chapter 453, or an advanced practice registered nurse licensed
5 pursuant to chapter 457.

6 ~~"Octinoxate" refers to the chemical (RS)-2-Ethylhexyl~~
7 ~~(2E)-3-(4-methoxyphenyl)prop-2-enoate under the International~~
8 ~~Union of Pure and Applied Chemistry chemical nomenclature~~
9 ~~registry; that has a chemical abstract service registry~~
10 ~~number 5466-77-3; the synonyms of which include but are not~~
11 ~~limited to ethylhexyl methoxycinnamate, octyl methoxycinnamate,~~
12 ~~Eusolex 2292, Neo Heliopan AV, NSC 26466, Parsol MOX, Parsol~~
13 ~~MCX, and Uvinul MC80; and is intended to be used as protection~~
14 ~~against ultraviolet light radiation with a spectrum wavelength~~
15 ~~from 370 nanometers to 220 nanometers in a sunscreen.~~

16 ~~"Oxybenzone" refers to the chemical (2-Hydroxy-4-~~
17 ~~methoxyphenyl)-phenylmethanone under the International Union of~~
18 ~~Pure and Applied Chemistry chemical nomenclature registry; that~~
19 ~~has a chemical abstract service registry number 131-57-7; the~~
20 ~~synonyms of which include but are not limited to benzophenone-3,~~
21 ~~Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, Uvasorb MET/C,~~



1 ~~Syntase 62, UV 9, Uvinul 9, Uvinul M-40, Uvistat 24, USAF Cy 9,~~
 2 ~~Uniphenone 3U, 4-methoxy-2-hydroxybenzophenone and Milestab 9,~~
 3 ~~and is intended to be used as protection against ultraviolet~~
 4 ~~light radiation with a spectrum wavelength from 370 nanometers~~
 5 ~~to 220 nanometers in a sunscreen.]~~

6 "Prescription" means an order for medication, that is
 7 dispensed to or for an ultimate user. "Prescription" shall not
 8 include an order for medication that is dispensed for immediate
 9 administration to the ultimate user, such as a chart order to
 10 dispense a drug to a bed patient for immediate administration in
 11 a hospital. "Prescription" includes an order for a sunscreen.

12 "Sunscreen" means a product marketed or intended for
 13 topical use to prevent sunburn. Sunscreen does not include
 14 products marketed or intended for use as a cosmetic, as defined
 15 in section 328-1, for the face."

16 SECTION 2. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on January 1, 2023.

19

INTRODUCED BY: *Mike Gilliland*



S.B. NO. 3001

Report Title:

Sunscreen; Active Ingredients; Generally Recognized as Safe and Effective

Description:

Beginning January 1, 2023, prohibits the sale, offer for sale, or distribution in the State of any sunscreen that contains active ingredients that are not generally recognized as safe and effective by the Food and Drug Administration, without a prescription issued by a licensed health care provider.

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