

---

# 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 shall be unlawful to sell,  
7 offer for sale, or distribute for sale in the State any  
8 sunscreen that contains oxybenzone or octinoxate, or both,  
9 without a prescription issued by a licensed ~~[healthcare]~~ health  
10 care provider.

11 (b) ~~[No county shall enact any ordinance or regulatory~~  
12 ~~restriction to prohibit the sale, use, labeling, packaging,~~  
13 ~~handling, distribution, or advertisement of sunscreens~~  
14 ~~containing oxybenzone or octinoxate, or both, prior to~~  
15 ~~January 1, 2021.] Beginning January 1, 2023, it shall be~~

16 unlawful to sell, offer for sale, or distribute for sale in the  
17 State any sunscreen that contains active ingredients that are



1 not generally recognized as safe and effective by the United  
2 States Food and Drug Administration, without a prescription  
3 issued by a licensed health care provider.

4 (c) For purposes of this section:

5 "Licensed [~~healthcare~~] health care provider" means a  
6 physician or osteopathic physician licensed pursuant to  
7 chapter 453, or an advanced practice registered nurse licensed  
8 pursuant to chapter 457.

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

19 "Oxybenzone" refers to the chemical (2-Hydroxy-4-  
20 methoxyphenyl)-phenylmethanone under the International Union of  
21 Pure and Applied Chemistry chemical nomenclature registry; that



1 has a chemical abstract service registry number 131-57-7; the  
2 synonyms of which include but are not limited to benzophenone-3,  
3 Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, Uvasorb MET/C,  
4 Syntase 62, UV 9, Uvinul 9, Uvinul M-40, Uvistat 24, USAF Cy-9,  
5 Uniphenone-3U, 4-methoxy-2-hydroxybenzophenone and Milestab 9;  
6 and is intended to be used as protection against ultraviolet  
7 light radiation with a spectrum wavelength from 370 nanometers  
8 to 220 nanometers in a sunscreen.

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

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

19 SECTION 2. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 3. This Act shall take effect on January 1, 2050.



**Report Title:**

Sunscreen; Active Ingredients; Generally Recognized as Safe and Effective

**Description:**

Prohibits, beginning 1/1/2023, 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. Effective 1/1/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

