

JAN 22 2021

A BILL FOR AN ACT

RELATING TO SUNSCREENS.

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

1 SECTION 1. The legislature finds that Act 104, Session
2 Laws of Hawaii 2018, prevents the sale and distribution of
3 sunscreen containing oxybenzone and octinoxate in the State
4 beginning in 2021 to preserve the State's marine ecosystems.
5 The purpose of this Act is to preserve marine ecosystems,
6 including coral reefs by furthering the prohibition of the sale
7 and distribution of sunscreen containing avobenzone and
8 octocrylene within the State.

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

11 "~~[f]~~§342D-21~~[f]~~ **Sale and distribution of sunscreen**
12 **containing oxybenzone, ~~[ex]~~ octinoxate, ~~[ex-both]~~ avobenzone, or**
13 **octocrylene; prohibition.** (a) Beginning January 1, 2021, it
14 shall be unlawful to sell, offer for sale, or distribute for
15 sale in the State any sunscreen that contains oxybenzone or
16 octinoxate, or both, without a prescription issued by a licensed
17 healthcare provider.



S.B. NO. 366

1 (b) Beginning January 1, 2023, it shall be unlawful to
2 sell, offer for sale, or distribute for sale in the State any
3 sunscreen that contains avobenzene or octocrylene without a
4 prescription issued by a licensed healthcare provider.

5 [~~b~~] (c) No county shall enact any ordinance or
6 regulatory restriction to prohibit the sale, use, labeling,
7 packaging, handling, distribution, or advertisement of
8 sunscreens containing [~~oxybenzone~~]:

9 (1) Oxybenzone or octinoxate, or both, prior to January 1,
10 2021[-]; and

11 (2) Avobenzene or octocrylene, or both, prior to
12 January 1, 2023;

13 [~~e~~] (d) For purposes of this section:

14 "Avobenzene" refers the chemical 1-(4-Methoxyphenyl)-3-(4-
15 tert-butylphenyl)propane-1,3-dione under the International Union
16 of Pure and Applied Chemistry chemical nomenclature registry;
17 that has a Chemical Abstracts Service registry number 70356-09-
18 1; the synonyms of which include but are not limited to
19 Butylmethoxydibenzolylmethane, Butyl Methoxydibenzoylmethane, 4-
20 tert-Butyl-4'-Methoxydibenzoylmethane, Parsol 1789, Milestab
21 1789, Eusolex 9020, Escalol 517, Neo Heliopan 357, 1-(4-tert-



1 butylphenyl)-3-(4-methoxyphenyl)propane-1,3-dione, and 4-tert-
2 Butyl-4'-methoxy-dibenzoylmethane-1,3-Propanedione; and is
3 intended to be used as protection against ultraviolet light
4 radiation with a maximum absorption peak of 357 nanometers in a
5 sunscreen.

6 "Licensed healthcare provider" means a physician or
7 osteopathic physician licensed pursuant to chapter 453, or an
8 advanced practice registered nurse licensed pursuant to chapter
9 457.

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

20 "Octocrylene" refers to the chemical 2-ethylhexyl 2-cyano
21 3, 3-diphenyl-2-propenoate under the International Union of Pure



1 and Applied Chemistry chemical nomenclature registry; that has a
2 Chemical Abstracts Service registry number 6197-30-4; the
3 synonyms of which include but are not limited to octocrylene,
4 Uvinul N-539, 2-ethylhexyl 2-cyano-3-3-diphenylacrylate,
5 Octocrileno, Parasol 340, UV Absorber-3, Escalol 597, Eusolex
6 OCR, Neo Heliopan 303, Sanduvor 3039, Seesorb 502, and Viosorb
7 930; and is intended to be used as protection against
8 ultraviolet light radiation with a maximum spectrum wavelength
9 at 303 nanometers in a sunscreen.

10 "Oxybenzone" refers to the chemical (2-Hydroxy-4-
11 methoxyphenyl)-phenylmethanone under the International Union of
12 Pure and Applied Chemistry chemical nomenclature registry; that
13 has a chemical abstract service registry number 131-57-7; the
14 synonyms of which include but are not limited to benzophenone-3,
15 Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, Uvasorb MET/C,
16 Syntase 62, UV 9, Uvinul 9, Uvinul M-40, Uvistat 24, USAF Cy-9,
17 Uniphenone-3U, 4-methoxy-2-hydroxybenzophenone and Milestab 9;
18 and is intended to be used as protection against ultraviolet
19 light radiation with a spectrum wavelength from 370 nanometers
20 to 220 nanometers in a sunscreen.



S.B. NO. 366

1 "Prescription" means an order for medication, that is
2 dispensed to or for an ultimate user. "Prescription" shall not
3 include an order for medication that is dispensed for immediate
4 administration to the ultimate user, such as a chart order to
5 dispense a drug to a bed patient for immediate administration in
6 a hospital. "Prescription" includes an order for a sunscreen.

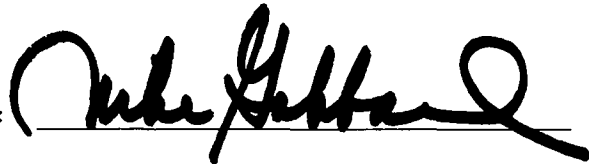
7 "Sunscreen" means a product marketed or intended for
8 topical use to prevent sunburn. Sunscreen does not include
9 products marketed or intended for use as a cosmetic, as defined
10 in section 328-1, for the face."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2021.

14

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mike Gilbert", is written over a horizontal line. The signature is stylized and cursive.

S.B. NO. 366

Report Title:

Environment; Water Pollution; Sunscreen; Avobenzone;
Octocrylene; Sale; Distribution; Prohibition

Description:

Beginning January 1, 2023, bans the sale, offer of sale, or distribution in the State of any sunscreen that contains avobenzone or octocrylene, or both, without a prescription issued by a licensed healthcare provider to preserve marine ecosystems.

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

