

RECEIVED

October 12, 2017

2017 OCT 12 PM 2:09

OFFICE OF THE  
COUNTY COUNCIL

MEMO TO: PEA-4(1) File

F R O M: Yuki Lei K. Sugimura, Chair *yuki lei k. sugimura*  
Policy, Economic Development, and Agriculture Committee

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
MAUI COUNTY LEGISLATIVE PACKAGE (2018 MAUI COUNTY  
LEGISLATIVE PACKAGE)** (PEA-4(1))

The attached legislative proposal pertains to Item 4(1) on the Committee's agenda.

pea:misc:004(1)afile01

Attachment

# Resolution

No. \_\_\_\_\_

APPROVING FOR INCLUSION IN THE 2018 MAUI  
COUNTY LEGISLATIVE PACKAGE A STATE BILL  
PROHIBITING THE USE, SALE, OR  
DISTRIBUTION FOR SALE OF SKIN CARE  
PRODUCTS CONTAINING OXYBENZONE AND  
OCTINOXATE

WHEREAS, Oxybenzone and Octinoxate have significant impacts on the environment and especially to the marine environment, including, causing mortality in coral planula and gametes; increasing the susceptibility of coral to undergo coral bleaching at temperatures lower than 87.8 degrees Fahrenheit; and causing potential damage to coral and other marine organisms' genomic integrity; and

WHEREAS, Oxybenzone and Octinoxate act as pseudo-persistent pollutants in Hawaii coastal waters, meaning their environmental contamination levels are constantly refreshed and renewed daily by swimmers and beachgoers; and

WHEREAS, swimming and other water activities will pollute Hawaii waters with these chemicals continuously unless actively mitigated; and

WHEREAS, to preserve the health, safety, welfare, and scenic underwater and natural beauty of Hawaii, the use, sale, or distribution for sale of personal care products containing Oxybenzone and Octinoxate, must be regulated; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to prohibit the use, sale, or distribution for sale of skin care products containing Oxybenzone and Octinoxate, is approved for inclusion in the 2018 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

---

---

# A BILL FOR AN ACT

RELATING TO OXYBENZONE AND OCTINOXATE.

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

1           SECTION 1. Oxybenzone and octinoxate have significant  
2 impacts on the environment and especially to the marine  
3 environment, including, but not limited to: causing mortality in  
4 coral planula and gametes; increasing the susceptibility of  
5 coral to undergo coral bleaching at temperatures lower than 87.8  
6 degrees Fahrenheit; and causing potential damage to coral and  
7 other marine organisms' genomic integrity. These compounds have  
8 also been shown to degrade coral physiology and coral reef  
9 community integrity so as to reduce acclimation and resiliency  
10 to climate change factors, and to degrade coral reefs by  
11 inhibiting recruitment. Increased probability of endocrine  
12 disruption, either causing demographic feminization in fish or  
13 other types of reproductive diseases, has been observed in  
14 marine invertebrate species (e.g. sea urchins), and vertebrate  
15 species (e.g. fish such as wrasses, eels, and parrotfish), and  
16 in marine mammals (in species similar to the Hawaiian Monk  
17 Seal).

**EXHIBIT "A"**

1           Oxybenzone and octinoxate act as pseudo-persistent  
2 pollutants in Hawaii coastal waters, meaning their environmental  
3 contamination levels are constantly refreshed and renewed daily  
4 by swimmers and beachgoers. Swimming and other water activities  
5 will pollute Hawaii waters with these chemicals unless actively  
6 mitigated.

7           The purpose of this Act is to promote ocean health by  
8 prohibiting the sale, offer for sale, or distribution for sale  
9 of sunscreen or personal care products containing oxybenzone and  
10 octinoxate.

11          SECTION 2. Chapter 187A, Hawaii Revised Statutes, is  
12 amended by adding a new section to part I to be appropriately  
13 designated and to read as follows:

14          "§187A-       Oxybenzone and octinoxate; sunscreen and  
15 personal care product restrictions. No person shall use or  
16 apply sunscreen, sunblock, or personal care products containing  
17 oxybenzone or octinoxate in the State of Hawaii, unless the  
18 sunscreen, sunblock, or personal care product is a prescription  
19 drug as defined in section 328-112."

20          SECTION 3. Chapter 328, Hawaii Revised Statutes, is amended  
21 by adding a new section to part I to be appropriately designated  
22 and to read as follows:

1           "§328- Sale of sunscreen and personal care products  
2 containing oxybenzone or octinoxate; prohibited. (a) It shall  
3 be unlawful to sell, offer for sale, or distribute for sale  
4 sunscreen or personal care products that contain oxybenzone or  
5 octinoxate, unless the product is a prescription drug as defined  
6 in section 328-112.

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

17           (c) For purposes of this section, "octinoxate" means the  
18 chemical ((RS)-2-Ethylhexyl (2E)-3-(4-methoxyphenyl)prop-2-  
19 enoate under the International Union of Pure and Applied  
20 Chemistry chemical nomenclature registry, has a chemical  
21 abstract service registry number 5466-77-3, and whose synonyms  
22 include ethylhexylmethoxycinnamate, octyl methoxycinnamate,

\_\_\_\_.B. NO. \_\_\_\_\_

1 Eusolex 2292, and Uvinul MC80, and is intended to be used as  
2 protection against ultraviolet light radiation with a spectrum  
3 wavelength from 370 nanometers to 220 nanometers in an epidermal  
4 sunscreen-protection personal-care product."

5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2019.

7

8

INTRODUCED BY: \_\_\_\_\_