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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

June 25, 2021

Director of Council Services
Traci N. T. Fujita, Esq.

RECEIVED

2021 JUN 25 AM 9:57

OFFICE OF THE
COUNTY CLERK

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **SUNSCREEN** (PAF 21-144)

May I request the attached proposed bill, entitled "A BILL FOR AN ORDINANCE TO PROHIBIT THE SALE, USE, OR DISTRIBUTION OF SUNSCREEN CONTAINING OXYBENZONE AND OCTINOXATE," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink that reads "Tamara M. Paltin".

TAMARA PALTIN
Councilmember

paf:mas:21-144c

Enclosure

COUNTY COMMUNICATION NO. 21-305

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE TO PROHIBIT THE SALE, USE, OR
DISTRIBUTION OF SUNSCREEN CONTAINING OXYBENZONE AND
OCTINOXATE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The Council finds that under Act 104 (2018), counties were temporarily prohibited from imposing enacting ordinances to prohibit the sale, use, or distribution of sunscreens containing oxybenzone or octinoxate. The prohibition expired January 1, 2021.

The Council further finds oxybenzone and octinoxate have significant negative impacts on the environment—especially the marine environment—such as:

- 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.

Oxybenzone and octinoxate also have been shown to degrade coral physiology and coral reef community integrity, which reduce acclimation and resiliency to climate change factors and degrade coral reefs by inhibiting recruitment. Oxybenzone and octinoxate have been shown to increase the

probability of endocrine disruption in marine invertebrate species, such as sea urchins; vertebrate species, including fish such as wrasses, eels, and parrotfish; and mammals, such as in species similar to the Hawaiian monk seal.

Contamination of oxybenzone and octinoxate in Maui County coastal waters acts as a pollutant, with environmental contamination levels refreshed and renewed, every day, by swimmers and beachgoers.

The Council finds that, to preserve the health, safety, welfare, and scenic underwater and natural beauty of Maui County, the sale, use, and distribution of sunscreen containing oxybenzone and octinoxate must be regulated.

SECTION 2. Title 20, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 20.42

SUNSCREEN

Sections:

- 20.42.010 Prohibitions.
- 20.42.020 Permit-application forms.
- 20.42.030 Definitions.
- 20.42.040 Administration.
- 20.42.050 Penalties.

20.42.010 Prohibitions. A. A person must not sell, offer for sale, or distribute for sale sunscreen containing oxybenzone or octinoxate, unless the sunscreen is from a prescription.

B. Sunscreen containing oxybenzone or octinoxate must not be sold, provided, or offered for use at any County facility, County-authorized concession, County-sponsored or County-permitted event, or County program, unless the sunscreen is from a prescription.

C. Sunscreen containing oxybenzone or octinoxate must not be used or applied by any person, unless the sunscreen is from a prescription.

20.42.020 Permit-application forms. Each agency must include this chapter's prohibitions on all permit-application forms for County facilities, County-managed concessions, County-sponsored and County-permitted events, and County programs.

20.42.030 Definitions. Whenever used in this chapter, unless the context otherwise requires, "octinoxate," "oxybenzone," "prescription," and "sunscreen" mean the same as defined in section 342D-21, Hawai'i Revised Statutes.

20.42.040 Administration. The department of environmental management must administer this chapter and may adopt administrative rules in accordance with chapter 91, Hawai'i Revised Statutes.

20.42.050 Penalties. A. Violations of this chapter are subject to the penalties and enforcement procedures of section 19.530.030.

B. Money from fines collected for violation of this chapter must be deposited into the environmental protection and sustainability fund."

SECTION 3. Section 3.55.040, Maui County Code, is amended to read as follows:

"3.55.040 Deposits to the fund. ~~[There shall]~~ The following must be deposited into the environmental protection and sustainability fund:

1. ~~[Monies]~~Money transferred from the wastewater reclamation division of the department of environmental management related to the processing, handling, or disposal of sewage sludge.
2. Any fees or portions ~~[thereof]~~of fees as set forth in the annual budget ordinance.
3. Supplemental transfers as set forth in the annual budget ordinance.
4. Money from fines collected for violations of chapter 20.42."

SECTION 4. This Ordinance takes effect upon its approval.

paf:nas:21-144d