

Draft September 1, 2016. State of Hawaii Hawaii

Ordinance NO. \_\_\_\_\_

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

A BILL FOR AN ORDINANCE TO ESTABLISH A NEW CHAPTER ABC.XYZ

STATE OF HAWAII CODE, PERTAINING TO A BAN ON PERSONAL-CARE PRODUCTS THAT ARE FOR SUNSCREEN PROTECTION CONTAINING THE CHEMICALS OXYBENZONE AND OCTINOXATE

SECTION 1. Title XYZ, is amended by adding a new chapter to be appropriately designated to read as follows:

PREVENTION OF OXYBENZONE AND OCTINOXATE CHEMICAL POLLUTION IN COASTAL WATERS OF THE STATE OF HAWAII

**Sections:**

- xx.yy.010 Purpose
- xx.yy.020 Definitions.
- xx.yy.030 Administration.
- xx.yy.040 Restriction of products that contain oxybenzone and octinoxate.
- xx.yy.050 Violation and penalties.

xx.yy.010 Purpose.

- A. Oxybenzone and Octinoxate have significant impacts on the environment and especially to the marine environment, including, but not limited to: causing mortality in coral planula and gametes; increasing the susceptibility of coral to undergo coral bleaching at temperatures lower than 31°C; causing potential damage to coral and other marine organisms' genomic integrity; increasing the probability of endocrine disruption in marine invertebrates species (e.g., *Tripneustes gratilla*) and vertebrate species (e.g., fish such as wrasses, eels and parrot fish (e.g., red-lipped parrot fish, *Scarous*

*rubroviolaceus*) or marine mammals such a *Neomonachus shauinslandi*), either causing demographic feminization in fish or other types of reproductive diseases; degrading coral physiology and coral reef community integrity so as to have a reduced acclimation and resiliency to climate change factors, and degrading coral reefs by inhibiting recruitment.

- B. Contamination of Oxybenzone and Octinoxate in Maui coastal waters act as pseudo-persistent pollutants – meaning that their environmental contamination are constantly refreshed and renewed on a daily basis – by swimmers and beachgoers. Swimming and other water activities means that these chemicals will pollute Maui waters unless actively mitigated.
- C. The council finds and declares that to preserve the health, safety, welfare and scenic underwater and natural beauty of the County of Maui, the use and pollution of Oxybenzone and Octinoxate from sunscreen personal-care products must be regulated.
- D. The purpose of this chapter is to prohibit the sale or delivery for introduction of ultraviolet-light sunscreen-protection personal-care products containing intentionally-added or unintentionally-added chemicals of Oxybenzone and Octinoxate.

#### xx.yy.020 Definitions

- A. “Business” means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships and corporations, or any other legally cognizable entity, whether for profit or not for profit, and includes all employees of the business or any independent contractors associated with the business.
- B. “Director” means the director of environmental management.
- C. “Person” means an individual, business, or other entity.
- D. “Personal care product” means an article intended to be rubbed, poured, sprinkled, or sprayed on, introduced to, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, protection against ultraviolet light, or altering the appearance and an article intended for use as a component of that type of article.

- E. “Personal care product” does not include a prescription drug, as defined in Section 110010.2 of the Health and Safety Code.
- F. “Oxybenzone” is defined as the chemical (2-Hydroxy-4-methoxyphenyl)-phenylmethanone under the International Union of Pure and Applied Chemistry chemical nomenclature registry, has a Chemical Abstract Service Registry Number 131-57-7), and whose synonyms include benzophenone-3, Escalol 567, Eusolex 4360, KAHSCREEN BZ-3, 4-methoxy-2-hydroxybenzophenone and Milestab 9, and is intended to be used as protection against ultraviolet light radiation with a spectrum wavelength from 370 nanometers to 220 nanometers in an epidermal sunscreen-protection personal-care product.
- G. “Octinoxate” is defined as the chemical ((RS)-2-Ethylhexyl (2E)-3-(4-methoxyphenyl)prop-2-enoate under the International Union of Pure and Applied Chemistry chemical nomenclature registry, has a Chemical Abstract Service Registry Number 5466-77-3, and whose synonyms include ethylhexyl methoxycinnamate, octyl methoxycinnamate, Eusolex 2292, and Uvinul MC80, and is intended to be used to as protection against ultraviolet light radiation with a spectrum wavelength from 370 nanometers to 220 nanometers in an epidermal sunscreen-protection personal-care product.

#### **xx.yy.030 Administration**

- A. The director shall administer this chapter and shall adopt administrative rules pursuant to chapter 91, Hawaii Revised Statutes, within one hundred and eighty days from the effective date of this ordinance.

#### **xx.yy.040 Oxybenzone and Octinoxate restrictions.**

Businesses are prohibited from selling any personal care products containing oxybenzone and octinoxate, without a medically-licensed prescription, to their customers at the point of sale.

#### **xx.yy.050 Violation and penalties.**

- A. Violations of this chapter shall be subject to the civil penalties and enforcement procedures of section XYZ of this code.

B. Fines collected pursuant to this chapter shall be deposited into the open space, natural resources, cultural resources, and scenic views preservation fund."