A bill to be entitled An act relating to the sale of sunscreen; creating s. 380.29, F.S.; defining terms; prohibiting the sale, offer for sale, or distribution of certain sunscreen products to a consumer who does not have a prescription for such product; providing applicability; providing an effective date.

WHEREAS, the Legislature finds that two chemicals contained in many sunscreens, oxybenzone and octinoxate, have significant harmful impacts on Florida’s marine environment and residing ecosystems, including coral reefs that protect this state’s shoreline, and

WHEREAS, oxybenzone and octinoxate cause mortality in developing coral; increase coral bleaching that indicates extreme stress, even at temperatures below 87.8 degrees Fahrenheit; cause genetic damage to coral and other marine organisms; degrade the coral’s resiliency and ability to adjust to climate change factors; and inhibit recruitment of new corals, and

WHEREAS, oxybenzone and octinoxate appear to increase the probability of endocrine disruption, and scientific studies show that both chemicals can induce feminization in adult male fish and increase reproductive diseases in marine invertebrate species, such as sea urchins; vertebrate species, such as wrasses, eels, and parrotfish; and mammals, and

WHEREAS, oxybenzone and octinoxate also induce deformities in the embryonic development of fish, sea urchins, coral, and shrimp and induce neurological behavioral changes in fish which...
threaten the continuity of fish populations, and

WHEREAS, species that are listed pursuant to the federal Endangered Species Act and inhabit this state’s waters,
including sea turtle species, marine mammals, and migratory birds, may be exposed to oxybenzone and octinoxate contamination, and

WHEREAS, the Legislature finds that oxybenzone and octinoxate environmental contamination persists in this state’s coastal waters because the contamination is constantly refreshed and renewed every day by swimmers and beachgoers, and will continue to be unless the chemicals are actively mitigated, and

WHEREAS, sewage contamination of coastal waters is another source of oxybenzone and octinoxate environmental contamination because these chemicals are not removed by the state’s wastewater treatment systems and instead are discharged to the ground and surface waters through cesspools, leaking septic systems, and municipal wastewater collection and treatment systems, and

WHEREAS, the Legislature intends to preserve marine ecosystems, including coral reefs, by prohibiting the sale of ultraviolet sun protection factor sunscreen personal care products containing oxybenzone and octinoxate in this state,
NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 380.29, Florida Statutes, is created to read:

380.29 Sale of sunscreen products containing oxybenzone or
octinoxate, or both; prohibition.—

(1) For purposes of this section, the term:

(a) “Octinoxate” refers to the chemical (RS)-2-Ethylhexyl (2E)-3-(4-methoxyphenyl)prop-2-enoate under the International Union of Pure and Applied Chemistry chemical nomenclature registry which has the chemical abstract service registry number 5466-77-3; whose synonyms include, but are not limited to, ethylhexyl methoxycinnamate, octyl methoxycinnamate, Eusolex 2292, Neo Heliopan AV, NSC 26466, Parsol MOX, Parsol MCX, and Uvinul MC80; and which is intended to be used as protection against ultraviolet light radiation with a spectrum wavelength from 370 nanometers to 220 nanometers in an SPF sunscreen protection personal care product.

(b) “Oxybenzone” refers to the chemical (2-Hydroxy-4-methoxyphenyl)-phenylmethanone under the International Union of Pure and Applied Chemistry chemical nomenclature registry which has the chemical abstract service registry number 131-57-7; whose synonyms include, but are not limited to, benzophenone-3, Escalol 567, Eusolox 4360, KAHSCREEN BZ-3, Uvasorb MET/C, Syntase 62, UV 9, Uvinul 9, Uvinul M-40, Uvistat 24, USAF Cy-9, Uniphenone-3U, 4-methoxy-2-hydroxybenzophenone, and Milestab 9; and which is intended to be used as protection against ultraviolet light radiation with a spectrum wavelength from 370 nanometers to 220 nanometers in an SPF sunscreen protection personal care product.

(c) “SPF sunscreen protection personal care product” includes, but is not limited to, a lotion, a paste, a balm, an ointment, a cream, a solid stick applicator, a brush applicator, a roll-on applicator, an aerosol spray, a non-aerosol spray
pump, and an automated and a manual mist spray.

(2) It is unlawful to sell, offer for sale, or distribute
for sale in this state an SPF sunscreen protection personal care
product that contains oxybenzone or octinoxate, or both, to a
consumer who does not have a prescription from a licensed
medical professional for such product.

(3) This section applies only to an SPF sunscreen
protection personal care product sold or distributed for sale in
this state after July 1, 2020.

Section 2. This act shall take effect July 1, 2020.