

By Senator Stewart

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1 A bill to be entitled
2 An act relating to the sale of sunscreen; creating s.
3 380.29, F.S.; defining terms; prohibiting the sale,
4 offer for sale, or distribution of certain sunscreen
5 products to a consumer who does not have a
6 prescription for such product; providing
7 applicability; providing an effective date.
8

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

14 WHEREAS, oxybenzone and octinoxate cause mortality in
15 developing coral; increase coral bleaching that indicates
16 extreme stress, even at temperatures below 87.8 degrees
17 Fahrenheit; cause genetic damage to coral and other marine
18 organisms; degrade corals' resiliency and ability to adjust to
19 climate change factors; and inhibit recruitment of new corals,
20 and

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

27 WHEREAS, oxybenzone and octinoxate also induce deformities
28 in the embryonic development of fish, sea urchins, coral, and
29 shrimp and induce neurological behavioral changes in fish that

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30 threaten the continuity of fish populations, and

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

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

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

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

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

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

58 380.29 Sale of sunscreen products containing oxybenzone or

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59 octinoxate, or both; prohibition.-

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

61 (a) "Octinoxate" refers to the chemical (RS)-2-Ethylhexyl
62 (2E)-3-(4-methoxyphenyl)prop-2-enoate under the International
63 Union of Pure and Applied Chemistry chemical nomenclature
64 registry which has the chemical abstract service registry number
65 5466-77-3; whose synonyms include, but are not limited to,
66 ethylhexyl methoxycinnamate, octyl methoxycinnamate, Eusolex
67 2292, Neo Heliopan AV, NSC 26466, Parsol MOX, Parsol MCX, and
68 Uvinul MC80; and which is intended to be used as protection
69 against ultraviolet light radiation with a spectrum wavelength
70 from 370 nanometers to 220 nanometers in an SPF sunscreen
71 protection personal care product.

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

84 (c) "SPF sunscreen protection personal care product"
85 includes, but is not limited to, a lotion, a paste, a balm, an
86 ointment, a cream, a solid stick applicator, a brush applicator,
87 a roll-on applicator, an aerosol spray, a non-aerosol spray

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88 pump, and an automated and a manual mist spray.

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

94 (3) This section applies only to an SPF sunscreen
95 protection personal care product sold or distributed for sale in
96 this state after July 1, 2019.

97 Section 2. This act shall take effect July 1, 2019.