



THE CITY OF KEY WEST

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To: The City Commission for The City of Key West
From: Ron Ramsingh, Chief Assistant City Attorney
Date: November 21, 2018
RE: Proposed new ordinance banning the sale of sunscreens that contain oxybenzone and/or octinoxate
Sponsors: Commissioner Jimmy Weekley and Commissioner Mary Lou Hoover
Meeting date: December 4, 2018

EXECUTIVE SUMMARY

Proposed Action: To create a new ordinance that bans the sale or distribution of any sunscreen product that contains oxybenzone and/or octinoxate

Background: At the request of Commissioner Weekley, the undersigned drafted this proposed new ordinance that bans the sale or distribution of sunscreen products that contains oxybenzone and/or octinoxate, which have been shown to have adverse consequences to coral reefs, and sea life. The proposed ordinance does not go into effect until 1 year from the effective date of the ordinance, giving some time for retailers, distributors, and other interested parties like charter companies to educate their retail outlets and consumers. If passed, after the 1-year education period, there shall be a 1-time written warning for violators. Second and subsequent violators can be issued a civil citation in county court. Such citations are payable within 10 days with a \$100.00 fine. If not paid within 10 days, the county clerk's office refers the matter to the relevant county judge for further hearings. However, no penalty for a violation of this ordinance is contemplated to be criminal in its current proposed form. The undersigned anticipates that Craig Downs, from The Haereticus Environmental Laboratory in Clifford, VA will be in attendance at the December 4, 2018 meeting to give a presentation to the City Commission regarding his extensive research on the topic. Mr. Downs' research was relied upon by the State of Hawaii in their recent enactment of legislation that this ordinance is based upon.

Options:

1. To defeat this proposed ordinance. There will be no prohibition on the sale or distribution of any sunscreen product that contains oxybenzone and/or octinoxate, which are chemicals that have been shown to have an adverse effect on coral reefs.
2. To pass this proposed ordinance thereby assisting to prevent further adverse effects

Recommendation: To pass the proposed ordinance.