

ADDITIONAL AMENDMENTS PROPOSED BY COMMISSIONER KAUFMAN AT SECOND

READING, FEBRUARY 5, 2019

*(Coding: Added language is underlined; deleted language is ~~struck through~~. Added language for second reading is double-underlined; deleted language is ~~double struck through~~)

Article VII. SUNSCREEN

Sec. 26-223. Sale of sunscreen products containing oxybenzone or octinoxate, or both; prohibition; Penalty.

(a) For purposes of this section:

"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; that has a 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, Parasol MCX, Parsol MOX, and Uvinul MC80; and 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.

"Oxybenzone" refers to the chemical (2-Hydroxy-4-methoxyphenyl)-phenylmethanone under the International Union of Pure and Applied Chemistry chemical nomenclature registry; that

has a chemical abstract service registry number 131-57-7; whose synonyms include but are not limited to benzophenone-3, Escalol 567, Eusolex 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 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.

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

(b) It shall be unlawful to sell, offer for sale, or distribute for sale in the City of Key West any SPF sunscreen protection personal care product that contains oxybenzone or octinoxate, or both, without a medically-licensed prescription.

(c) Penalty. A first time violation of this section shall result in one written warning. Second and subsequent violations shall be punishable by the civil citation procedure pursuant to Ch. 2, Article VI, Division 3 of the Code of Ordinances for The City of Key West.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect ~~immediately upon~~ ~~one year from~~ on January 1, 2021 and upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.