

116TH CONGRESS
1ST SESSION

S. 1375

To require the Commissioner of Food and Drugs to develop standards for a “Reef Safe” label for sunscreen.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2019

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Commissioner of Food and Drugs to develop standards for a “Reef Safe” label for sunscreen.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reef Safe Act of
5 2019”.

6 **SEC. 2. LABELING CRITERIA FOR “REEF SAFE” SUNSCREEN.**

7 (a) IN GENERAL.—As soon as practicable, but not
8 later than 2 years after the date of enactment of this Act,
9 the Secretary, acting through the Commissioner, shall de-
10 velop labeling criteria for a “Reef Safe” designation for

1 nonprescription sunscreen, in consultation with the Ad-
2 ministrator of the Environmental Protection Agency and
3 the Administrator of the National Oceanic and Atmos-
4 pheric Administration.

5 (b) REEF SAFE LABEL.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, the Secretary, act-
8 ing through the Commissioner, shall develop stand-
9 ards for use of the term “Reef Safe” on the labeling
10 of nonprescription sunscreen, which shall conform
11 with the requirements of section 502 of the Federal
12 Food, Drug, and Cosmetic Act (21 U.S.C. 352).

13 (2) CRITERIA AND CONSULTATION.—In devel-
14 oping the standards described in paragraph (1), the
15 Secretary shall—

16 (A) consider the impacts of active sun-
17 screen ingredients on the mortality of, and de-
18 velopmental or reproductive disruptions to, cer-
19 tain marine species, including fish, fish larvae,
20 sea urchins, coral, and shrimp; and

21 (B) consult with appropriate heads of Fed-
22 eral agencies, including the Administrator of
23 the Environmental Protection Agency and the
24 Administrator of the National Oceanic and At-
25 mospheric Administration, with respect to stud-

1 ies on the impacts of active sunscreen ingredi-
2 ents on living components of coral reef eco-
3 systems.

4 (c) REVIEW AND REVISION.—Not less frequently
5 than once every 10 years, the Secretary, acting through
6 the Commissioner and in consultation with the Adminis-
7 trator of the Environmental Protection Agency and the
8 Administrator of the National Oceanic and Atmospheric
9 Administration, and taking into consideration scientific
10 studies of the Food and Drug Administration, the Envi-
11 ronmental Protection Agency, and the National Oceanic
12 and Environmental Protection Agency, shall—

13 (1) review the labeling standards in effect under
14 subsection (b)(1);

15 (2) if appropriate, revise the criteria under sub-
16 section (b)(2); and

17 (3) in accordance with such criteria, as revised
18 under paragraph (2) as applicable, update the label-
19 ing standards under subsection (b)(1).

20 (d) NON-PREEMPTION.—Nothing in this section shall
21 be construed to prevent a State from establishing, enforce-
22 ing, or maintaining a requirement with respect to labeling
23 criteria for a “Reef Safe” designation for nonprescription
24 sunscreen, provided that any such State law is at least

1 as restrictive as the requirements established under this
2 section.

3 (e) DEFINITIONS.—In this section—

4 (1) the terms “active sunscreen ingredient”,
5 “nonprescription”, and “sunscreen” have the mean-
6 ings given such terms in section 586 of the Federal
7 Food, Drug, and Cosmetic Act (21 U.S.C. 360fff);

8 (2) the terms “coral” and “coral reef eco-
9 system” have the meanings given such terms in sec-
10 tion 210 of the Coral Reef Conservation Act of 2000
11 (16 U.S.C. 6409);

12 (3) the term “Commissioner” means the Com-
13 missioner of Food and Drugs; and

14 (4) the term “Secretary”, unless specified oth-
15 erwise, means the Secretary of Health and Human
16 Services.

○