To amend the Federal Food, Drug, and Cosmetic Act to prohibit the manufacture and introduction or delivery for introduction into interstate commerce of ultraviolent-light sunscreen-protection personal-care products containing intentionally-added or unintentionally-added chemicals of Oxybenzone and Octinoxate.

SECTION 1. SHORT TITLE

This Act may be cited as the “Pollution-Free Chemical Sunscreen Waters Act of 201X”.

SECTION 2. PROHIBITION AGAINST SALE OR DISTRIBUTION OF RINSE-OFF COSMETICS AND PERSONAL CARE PRODUCTS CONTAINING OXYBENZONE AND OCTINOXATE.

(a) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

(b) ‘‘(ddd)(1) The manufacture or the introduction or delivery for introduction into interstate commerce of a rinse-off cosmetic that contains Oxybenzone and Octinoxate. ‘‘

(2) In this paragraph—

‘‘(A) the term ‘oxybenzone’ refers to the chemical (2-Hydroxy-4-methoxyphenyl)-phenylmethanone under the International Union of Pure and Applied Chemistry chemical nomenclature registry, has a Chemical Abstract Service Registry Number 131-57-7), and whose synonyms include benzophenone-3, Escalol 567,Eusolex 4360, KAHSCREEN BZ-3, 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 epidermal sunscreen-protection personal-care product; and

‘(‘B) the term ‘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, has a Chemical Abstract Service Registry Number 5466-77-3, and whose synonyms include ethylhexyl methoxycinnamate, octyl methoxycinnamate, Eusolex 2292, and Uvinul MC80, and is intended to be used to as protection against ultraviolet light radiation with a spectrum wavelength from 370 nanometers to 220 nanometers in an epidermal sunscreen-protection personal-care product; and

‘‘(C) the term ‘epidermal sunscreen-protection personal-care product’ includes lotion, paste, balm, ointment, cream, solid stick applicator, roll-on applicator, aerosol spray, non-aerosol spray pump, and automated and manual mist spray.’’.

(b) APPLICABILITY.

(1) IN GENERAL.—The amendment made by subsection (a) applies—

(A) with respect to manufacturing, beginning on July 1, 2018, and with respect to introduction or delivery for introduction into interstate commerce, beginning on July 1, 2019; and

(B) notwithstanding subparagraph (A), in the case of a rinse-off cosmetic that is a nonprescription drug, with respect to manufacturing, beginning on July 1, 2019, and with respect to the introduction or delivery for introduction into interstate commerce, beginning on July 1, 2020.

(2) NONPRESCRIPTION DRUG.—For purposes of this subsection, the term ‘‘nonprescription drug’’ means a drug not subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(c) PREEMPTION OF STATE LAWS.—No State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect restrictions with respect to the manufacture or introduction or delivery for introduction into interstate commerce of epidermal sunscreen-protection personal-care product’ (as defined in section 301(ddd) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a)) that are not identical to the restrictions under such section 301(ddd) that have begun to apply under subsection (b).

(d) RULE OF CONSTRUCTION.—Nothing in this Act (or the amendments made by this Act) shall be construed to apply with respect to drugs that are not also cosmetics (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)).