

RALPH DLG. TORRES  
Governor



ARNOLD I. PALACIOS  
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

April 03, 2020

The Honorable Blas Jonathan "BJ" T. Attao  
Speaker  
House of Representatives  
Twenty-First Northern Marianas  
Commonwealth Legislature  
Capitol Hill  
Saipan, MP 96950

The Honorable Victor B. Hocog  
Senate President  
The Senate  
Twenty-First Northern Marianas  
Commonwealth Legislature  
Capitol Hill  
Saipan, MP 96950

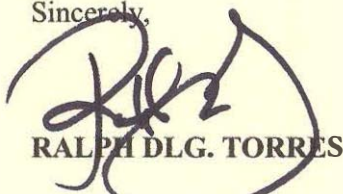
**Leg. Stamp Received**  
By: Pedro Towai  
Date: 4/3/2020  
Time: 2:08 pm

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Bill No. 21-28: HD1, SS1** entitled, "To prohibit the importation, sale, offer for sale, and distribute in the Commonwealth of the Northern Mariana Islands of sunscreen containing oxybenzone and octinoxate without a prescription from a licensed healthcare provider; and for other purposes." which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 21-20**. Copies bearing my signature are forwarded for your reference.

Sincerely,

  
RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; Department of Commerce;  
BECQ Division of Coastal Resource Management; Office of Public Auditor; Special Assistant  
for Administration; Special Assistant for Programs and Legislative Review



# *House of Representatives*

TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 500586

SAIPAN, MP 96950

February 24, 2020

The Honorable Ralph DLG. Torres  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 21-28, HD1, SS1**, entitled: "To prohibit the importation, sale, offer for sale, and distribution in the Commonwealth of the Northern Mariana Islands of sunscreen containing oxybenzone and octinoxate without a prescription from a licensed healthcare provider; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muna  
House Clerk

Attachment



*Twenty-First Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**FIRST REGULAR SESSION**

**MARCH 12, 2019**

REPRESENTATIVE IVAN A. BLANCO of Saipan, Precinct 3 (*for himself*, Representatives Roman C. Benavente, Luis John DLG. Castro, Lorenzo I. Deleon Guerrero, Joseph Leepan T. Guerrero, Edwin K. Propst, John Paul P. Sablan, Edmund S. Villagomez, and Ralph N. Yumul,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 21-28, HD1, SS1**

**AN ACT**

**TO PROHIBIT THE IMPORTATION, SALE, OFFER FOR SALE, AND  
DISTRIBUTION IN THE COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS OF SUNSCREEN CONTAINING OXYBENZONE  
AND OCTINOXATE WITHOUT A PRESCRIPTION FROM A  
LICENSED HEALTHCARE PROVIDER; AND FOR OTHER  
PURPOSES.**

The Bill was referred to the House Committee on Commerce and Tourism, which submitted Standing Committee Report 21-12; adopted 6/11/2019.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, JUNE 24, 2019**  
*with amendments* in the form of H. B. No. 21-28, HD1 and transmitted to the  
**THE SENATE.**

The Bill was referred to the Senate Committee on Resources, Economic Development and Programs, which submitted Standing Committee Report 21-68; adopted 2/10/2020.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, FEBRUARY 10, 2020;**  
*with amendments* in the form of H. B. No. 21-28, HD1, SS1.

**H. B. No. 21-28, HD1, SS1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON  
FEBRUARY 11, 2020.**

The House of Representatives accepted the Senate amendments and passed H. B. No. 21-28, HD1, SS1 during its Third Day, Third Regular Session on February 18, 2020.

**THE BILL WAS FINALLY PASSED ON FEBRUARY 18, 2020.**

  
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**Linda B. Muña, House Clerk**



*Twenty-First Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**THIRD DAY, THIRD REGULAR SESSION**

**FEBRUARY 18, 2020**

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**H. B. No. 21-28, HD1, SS1**

**AN ACT**

**TO PROHIBIT THE IMPORTATION, SALE, OFFER FOR SALE, AND  
DISTRIBUTION IN THE COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS OF SUNSCREEN  
CONTAINING OXYBENZONE AND OCTINOXATE WITHOUT  
A PRESCRIPTION FROM A LICENSED HEALTHCARE  
PROVIDER; AND FOR OTHER PURPOSES.**

**BE IT ENACTED BY THE TWENTY-FIRST NORTHERN  
MARIANAS COMMONWEALTH LEGISLATURE:**

**SECTION 1. FINDINGS.**

1           The legislature finds that two chemicals contained in many sunscreens, oxybenzone  
2           and octinoxate, have significant harmful impacts on marine environment and residing  
3           ecosystems, including coral reefs that protect island shorelines. Oxybenzone and octinoxate  
4           cause mortality in developing coral; increase coral bleaching that indicates extreme stress, even  
5           at temperatures below 87.8 degrees Fahrenheit; and cause genetic damage to coral and other  
6           marine organisms. These chemicals have also been shown to degrade corals' resiliency and  
7           ability to adjust to climate change factors and inhibit recruitment of new corals. Furthermore,  
8



## HOUSE BILL 21-28, HD1, SS1

oxybenzone and octinoxate appear to increase the probability of endocrine disruption. Scientific studies show that both chemicals can induce feminization in adult male fish and increase reproductive diseases in marine invertebrate species (e.g., sea urchins), vertebrate species (e.g., fish such as wrasses, eels, and parrotfish), and mammals. The chemicals also induce deformities in the embryonic development of fish, sea urchins, coral, and shrimp and induce neurological behavioral changes in fish that threaten the continuity of fish populations. In addition, species that are listed on the federal Endangered Species Act and inhabit the CNMI's waters, including sea turtle species, marine mammals, and migratory birds, may be exposed to oxybenzone and octinoxate contamination.

And now researchers are finding evidence that some commonly used chemicals pose a huge threat to our marine environments and may have unintended consequences on human health.

The Legislature further finds that Hawaii became the first place in the U.S. to turn these findings into something concrete, a first-of-its-kind legislation to outlaw the sale of sunscreens that contain the ingredients oxybenzone and octinoxate. In 2018, the Republic of Palau enacted a similar legislation. Palau's legislation came after a 2017 report from the Coral Reef Research Foundation which found widespread sunscreen toxins in the endemic golden jellyfish and lake water on Jellyfish Lake, a Unesco World Heritage site. In addition, the Key West City Commission also voted to ban sunscreens containing oxybenzone and octinoxate. Beginning in January 2021, Key West will ban such sunscreens from sale within city limits.

This Act is the legislature's approach to protecting and restoring the resiliency of the CNMI's reefs. The Legislature further finds that this Act is a necessary step to help the CNMI pass on its reefs, ocean, tourism industry and way of life to the next generation.

Accordingly, the purpose of this Act is to preserve marine ecosystems, including coral reefs, by prohibiting the importation, of sunscreen containing oxybenzone and octinoxate without a prescription from a licensed healthcare provider beginning January 1, 2021 in the Commonwealth of the Northern Mariana Islands; and by prohibiting the sale, offer for sale, and distribution in the Commonwealth of the Northern Mariana Islands of sunscreen containing oxybenzone and octinoxate without a prescription from a licensed healthcare provider by July

1, 2021. This Act further amends the definition of contraband to included banned sunscreen containing oxybenzone or octinoxate, or both.

**SECTION 2. ENACTMENT.**

Subject to codification by the CNMI Law Revision Commission, the following new provisions are hereby enacted:

**“§ 101. Importation, sale and distribution of sunscreen containing oxybenzone or octinoxate, or both; prohibition.**

(a) Beginning January 1, 2021, it shall be unlawful to import any sunscreen that contains oxybenzone or octinoxate, or both, without a prescription issued by a licensed healthcare provider in the Commonwealth of the Northern Mariana Islands. The Division of Customs shall enforce this provision.

(b) Beginning July 1, 2021, it shall be unlawful to sell, offer for sale, or distribute for sale any sunscreen that contains oxybenzone or octinoxate, or both, without a prescription issued by a licensed healthcare provider in the Commonwealth of the Northern Mariana Islands.

(c) For purposes of this section:

(1) "Licensed healthcare provider" means a physician or osteopathic physician licensed pursuant to Title 3, Division 2, Article 1 of the Commonwealth Code.

(2) "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; the synonyms of which include but are not limited to ethylhexyl methoxycinnamate, octyl methoxycinnamate, Eusolex 2292, Neo Heliopan AV, NSC 26466, Parsol MOX, Parsol MCX, 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 a sunscreen.

(3) "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; the synonyms of which 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 a sunscreen.

(4) "Prescription" means an order for medication, that is dispensed to or for an ultimate user. "Prescription" shall not include an order for medication that is dispensed for immediate administration to the ultimate user, such as a chart order to dispense a drug to a bed patient for immediate administration in a hospital. "Prescription" includes an order for a sunscreen.

(5) "Sunscreen" means a product marketed or intended for topical use to prevent sunburn. Sunscreen does not include products marketed or intended for use as a cosmetic for the face.

**“§ 102. Penalties.**

Any persons found to be selling, offering for sale, or distributing for sale any sunscreen that contains oxybenzone or octinoxate, or both, without a prescription issued by a licensed healthcare provider, in violation of this Act shall be guilty of violating this Act and subject to a civil penalty of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000) per violation. Sunscreen containing oxybenzone or octinoxate, or both offered for sale in violation of this Act shall be subject to confiscation.

**§ 103. Enforcement and Regulations.**

The Department of Commerce shall enforce the ban on the sale and distribution of sunscreen containing oxybenzone or octinoxate, or both in the Commonwealth of the Northern

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**HOUSE BILL 21-28, HD1, SS1**

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1 Mariana Islands. The Department of Commerce shall adopt regulations to implement the ban  
2 on the sale and distribution of sunscreen containing oxybenzone or octinoxate, or both.”

3 **SECTION 3. AMENDMENT.**

4 6 CMC § 2301(a) is amended by adding a new paragraph (11) to read as follows:

5 “(11) Banned sunscreen that contains oxybenzone or octinoxate, or both,  
6 without a prescription issued by a licensed healthcare provider. Banned sunscreens  
7 shall be subject to seizure and forfeiture under 6 CMC § 2150.”

8 **SECTION 4. SEVERABILITY.**

9 If any provisions of this Act or the application of any such provision to any person or  
10 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this  
11 Act or the application of its provisions to persons or circumstances other than those to which  
12 it is held invalid shall not be affected thereby.

13 **SECTION 5. SAVINGS CLAUSE.**

14 This Act and any repealer contained herein shall not be construed as affecting any  
15 existing right acquired under contract or acquired under statutes repealed or under any rule,  
16 regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect  
17 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not  
18 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which  
19 shall already be in existence on the date this Act becomes effective.



HOUSE BILL 21-28, HD1, SS1

SECTION 6. EFFECTIVE DATE.

This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

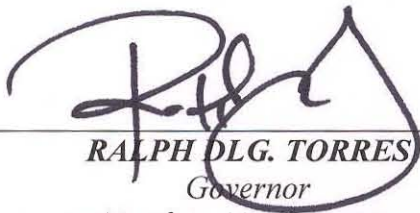
Attested to by:

  
Linda B. Muña, House Clerk

Certified by:

  
SPEAKER BLAS JONATHAN "BJ" T. ATTAO  
House of Representatives  
21<sup>st</sup> Northern Mariana Commonwealth Legislature

Approved this 3<sup>rd</sup> day of APRIL, 2020

  
RALPH DLG. TORRES  
Governor  
Commonwealth of the Northern Mariana Islands