
THIRD READING

Bill No: AB 1744
Author: Addis (D) and Hart (D)
Amended: 4/9/26 in Assembly
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-0, 6/16/26

AYES: Umberg, Niello, Allen, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Wiener

NO VOTE RECORDED: Ashby, Weber Pierson

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 7-0, 6/24/26

AYES: Blakespear, Valladares, Allen, Dahle, Gonzalez, Hurtado, Menjivar

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 70-2, 5/21/26 - See last page for vote

SUBJECT: Environmental advertising: sunscreen

SOURCE: McClatchy High School Eco Club

DIGEST: This bill prohibits a person from representing in advertising or on the label or container of any sunscreen product sold in the state that the product is “reef safe,” “reef friendly,” “ocean safe,” “marine safe,” ocean friendly,” “marine conscious,” “reef conscious,” or a similar term or phrase likely to cause a reasonable consumer to believe that the product does not harm marine ecosystems unless the product does not contain any chemical ultraviolet filters.

ANALYSIS:

Existing law:

- 1) Requires, pursuant to the Environmental Representations Law, any person who represents in advertising or on the label or container of a consumer good that

the consumer good that it manufactures or distributes is not harmful to, or is beneficial to, the natural environment, through the use of such terms as “environmental choice,” “ecologically friendly,” “earth friendly,” “environmentally friendly,” “ecologically sound,” “environmentally sound,” “environmentally safe,” “ecologically safe,” “environmentally lite,” “green product,” or any other like term, to maintain in written form in its records the following information and documentation supporting the validity of the representation:

- a) the reasons why the person believes the representation to be true;
 - b) any significant adverse environmental impacts directly associated with the production, distribution, use, and disposal of the consumer good;
 - c) any measures that are taken by the person to reduce the environmental impacts directly associated with the production, distribution, and disposal of the consumer good;
 - d) violations of any federal, state, or local permits directly associated with the production or distribution of the consumer good; and
 - e) whether the consumer good conforms with the uniform standards contained in the Federal Trade Commission Guidelines for Environmental Marketing Claims for the use of the terms “recycled,” “recyclable,” “biodegradable,” “photodegradable,” or “ozone friendly.” (Business & Professions (Bus. & Prof.) Code § 17580(a).)
- 2) Makes it unlawful for any person to make any untruthful, deceptive, or misleading environmental marketing claim, whether explicit or implied. “Environmental marketing claim” includes any claim contained in the “Guides for the Use of Environmental Marketing Claims” published by the Federal Trade Commission (FTC). (Bus. & Prof. Code § 17580.5(a).)
- 3) Provides that it shall be a defense to any suit or complaint brought pursuant to the above that the person’s environmental marketing claims conform to the standards or are consistent with the examples contained in the FTC guides. (Bus. & Prof. Code § 17580.5(b).)
- 4) Provides that a violation of the above provisions is a misdemeanor punishable by imprisonment in the county jail not to exceed six months, or by a fine not to exceed \$2,500, or by both. (Bus. & Prof. Code § 17581.)
- 5) Prohibits a person from offering for sale, selling, distributing, or importing into California any product or packaging for which a deceptive or misleading claim

about the recyclability of the product or packaging is made. (Public (Pub.) Resources Code § 42355.51.)

- 6) Provides that it is the public policy of the state that environmental marketing claims, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic products. (Pub. Resources Code § 42355.5.)
- 7) Establishes the Unfair Competition Law (UCL), which provides a statutory cause of action for any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising, including over the internet. (Bus. & Prof. Code §§ 17200 et seq.)
- 8) Establishes the False Advertising Law (FAL), which proscribes making or disseminating any statement that is known or should be known to be untrue or misleading with intent to directly or indirectly dispose of real or personal property. (Bus. & Prof. Code § 17500 et seq.) Provides that it is unlawful for a person, with bad faith intent, to register, traffic in, or use a domain name that is confusingly similar to the personal name of another person. (Bus. & Prof. Code § 17525.)
- 9) Establishes the Consumer Legal Remedies Act (CLRA), which prohibits unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer. (Civil (Civ.) Code § 1770(a).)

This bill:

- 1) Prohibits a person from representing in advertising or on the label or container of any sunscreen product sold in the state that the product is “reef safe,” “reef friendly,” “ocean safe,” “marine safe,” ocean friendly,” “marine conscious,” “reef conscious,” or a similar term or phrase likely to cause a reasonable consumer to believe that the product does not harm marine ecosystems unless the product does not contain any chemical ultraviolet filters, including, but not limited to, all of the following:
 - a) avobenzone (CAS 70356-09-1);
 - b) homosalate (CAS 118-56-9);
 - c) octinoxate (CAS 5466-77-3);
 - d) octisalate (CAS 118-60-5);

- e) octocrylene (CAS 6197-30-4); and
 - f) oxybenzone (CAS 131-57-7).
- 2) Provides that “sunscreen product” includes any over-the-counter drug regulated by the United States Food and Drug Administration that is intended to protect users from ultraviolet radiation, including, but not limited to, lotions, sprays, sticks, gels, and solids.
- 3) Provides that nothing in this bill implies a person is exempt from the requirements of the California’s Environmental Representations Law related to substantiation of environmental marketing claims.

Comments

“Greenwashing” refers to a practice of falsely conveying that a company’s products are more environmentally friendly than they really are. California’s Environmental Representations Law is one example of how the state is attempting to combat such practices. It requires strict supporting documentation and information, to be made publicly available, of any representations made in advertising or on labels or containers of consumer goods that the good is not harmful to, or is beneficial to, the environment through the use of specified terms, including “environmentally safe” or “green product.” The statute makes it unlawful for any person to make any untruthful, deceptive, or misleading environmental marketing claims, whether explicit or implied. (Bus. & Prof. Code § 17580.5(a).) Violations are a misdemeanor punishable by imprisonment in the county jail not to exceed six months, or by a fine not to exceed \$2,500, or by both. (Bus. & Prof. Code § 17581.)

This bill seeks to address a specific issue of greenwashing related to sunscreen that is advertised as “reef safe,” “ocean safe,” or other similar verbiage that implies the product does not harm the ocean, ocean life, or ocean habitats but contain chemical ultraviolet filters that harm marine ecosystems. In March of this year, the District Attorney for the County of Santa Clara sued Edgewell, the maker of Banan Boat and Hawaiian Tropic sunscreens, alleging false advertising related to advertising that claimed the products were “reef friendly” and eventually settled with the company.¹ In 2020, a Hawaii ban on two active ingredients in sunscreen that are

¹ County of Santa Clara, D.A., Press Release, (Mar. 25, 2025), *District Attorney sues maker of Banana Boat and Hawaiian Tropic over “reef friendly” advertising claim* available at <https://da.santaclaracounty.gov/district-attorney-sues-maker-banana-boat-and-hawaiian-tropic-over-reef-friendly-advertising-claim#:~:text=and%20Hawaiian%20Tropic->

harmful to reefs— oxybenzone and octinoxate— became operative.² The Press Release from the District Attorney’s Office for the County of Santa Clara noted:

The toxic effects of chemical sunscreen ingredients on reefs and marine life have been documented for years in numerous articles and published scientific studies. Since 2018, a series of chemical sunscreen bans have been adopted in the state of Hawaii, the Republic of Palau, the island of Bonaire, the city of Key West, Florida, and the U.S. Virgin Islands.

Prosecutors allege that the defendant’s “reef friendly” advertising was misleading and took unfair advantage of the fact that California consumers are likely to consider the environmental impact of a product while shopping.³ A second lawsuit was settled by the Santa Clara County District Attorney with Supergoop for similar reasons.⁴

California has many consumer-protection laws that combat deceptive or unfair practices by authorizing causes of action and providing attendant remedies to various parties.

The UCL (Bus. & Prof. Code § 17200) provides remedies for “anything that can properly be called a business practice and that at the same time is forbidden by law.” (*Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.* (1999) 20 Cal.4th 163, 180 [citations omitted].) The UCL provides that a court “may make such orders or judgments . . . as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of such unfair competition.” (Bus. & Prof. Code § 17203; *see also Korea Supply Co. v. Lockheed Martin Corp.* (2003) 29 Cal.4th 1134, 1146 [“An order for restitution, then, is authorized by the clear language of the [UCL.]”].) The law also permits courts to award injunctive relief and, in certain cases, to assess civil penalties against the violator. (Bus. & Prof. Code §§ 17203, 17206.)

The FAL proscribes making or disseminating any statement that is known or should be known to be untrue or misleading with intent to directly or indirectly

[over%20%E2%80%9Creef%20friendly%E2%80%9D%20advertising%20claim,chemical%20sunscreens%20in%20the%20future.](#)

² *Ibid.*

³ *Ibid.*

⁴ County of Santa Clara, D.A., Press Release, (Jun. 13, 2025), *DA obtains second “Reef Friendly” settlement for false advertising of sunscreen*, available at <https://da.santaclaracounty.gov/da-obtains-second-reef-friendly-settlement-false-advertising-sunscreen>.

dispose of real or personal property. (Bus. & Prof. Code §§ 17500 et seq.) Violators are subject to a civil penalty not to exceed \$2,500 for each violation in an action brought by the Attorney General or by any district attorney, county counsel, or city attorney. (Bus. & Prof. Code § 17536.) Similar to the UCL, the FAL provides that a person may bring an action for an injunction or restitution if the person has suffered injury in fact and has lost money or property as a result of a violation of the FAL. (Bus. & Prof. Code § 17535.)

The CLRA prohibits “unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer,” (Civ. Code § 1770(a)), and prohibits conduct “likely to mislead a reasonable consumer,” (*Colgan v. Leatherman Tool Grp., Inc.* (2006) 135 Cal. App. 4th 663, 680; internal quotation marks omitted.) The CLRA enables a consumer who suffers damage as a result of a violation of section 1770 to bring an action for actual damages, an order enjoining the behavior resulting in the violation, restitution of property, punitive damages, and any other relief the court deems proper. (Civ. Code § 1780.) These laws have been used to address untruthful, deceptive, or misleading environmental marketing claims. One example is a class action in which the plaintiff has certified a class action asserting six causes of action against Keurig for falsely representing their pods as “recyclable,” including CLRA and UCL claims. (*Smith v. Keurig Green Mt., Inc.* (N.D.Cal. 2019) 393 F. Supp. 3d 837, 842.) In 2013, then Attorney General Kamala Harris’ office secured a consent judgment against defendants based on allegations of false, misleading, and deceptive marketing and advertising statements regarding the biodegradability and recyclability of their plastic bottles in violation of the Environmental Representations Law, the UCL, and the FAL. (*People ex rel. Barris v. Enso Plastics* (Super. Ct. Orange County, 2013, No.518091) (2013 Cal. Super. LEXIS 21809).)

“Commercial speech,” including statements made in advertising, is protected by the First Amendment but enjoys a lesser degree of protection than other forms of constitutionally guaranteed expression.⁵ “The First Amendment’s concern for commercial speech is based on the informational function of advertising.”⁶ Advertising that is misleading or unlawful and has no informational value, can be banned by the government.⁷ But for an advertisement that “is neither misleading nor unrelated to unlawful activity, the government’s power is more

⁵ *Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York* (1980) 447 U.S. 557, 562-563.

⁶ *Id.* at p. 563.

⁷ *Ibid.*

circumscribed.”⁸ To regulate accurate speech relating to legal activity, the government must assert a “substantial interest” to be achieved, and the limitation “must be designed carefully to achieve the State’s goal.”⁹ When a state seeks to compel commercial speech, e.g., require an advertisement to disclose specific information, “a requirement that [an advertiser] include in [their] advertising purely factual and uncontroversial information” that will “dissipate the possibility of consumer confusion or deception” will generally pass First Amendment muster.¹⁰ As the advertising this bill is targeting is misleading to consumers, it seems permissible for the state to ban it.

The United States Supreme Court affirmed that the Dormant Commerce Clause generally does not prohibit a state from regulating commerce within its borders, even if the prohibition affects out-of-state sellers, unless the prohibition acts to discriminate against out-of-state interests for the benefit of in-state commerce.¹¹ The Court has held that “[s]tate laws that ‘regulat[e] even-handedly [across all in-state and out-of-state businesses] to effectuate a legitimate local public interest...will be upheld unless the burden imposed upon such commerce is clearly excessive in relation to the putative local benefits.’”¹² The bill seems to meet these requirements, and as such should not conflict with the Dormant Commerce Clause.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

The Senate Appropriations Committee analysis states “Minor to significant court cost pressure if the Attorney General (AG) brings civil actions for violations against any person who engages in a deceptive act or practice. Actual costs will depend on the number of actions filed and the amount of time needed to adjudicate each case. Jury trials would be few.

Potentially significant court cost pressure as the UCL permits private plaintiffs to bring an action in court. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts. The proposed FY 2026-07 Governor’s budget would provide \$70 million General Fund support (Trial Court Trust Fund, General Fund).

Unknown costs to the counties to incarcerate if a six month misdemeanor sentence is imposed. Incarceration for this misdemeanor appears unlikely. The average annual cost to incarcerate one person in county jail is approximately \$80,000. In

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio* (1985) 471 U.S. 626, 651.

¹¹ *Id.* at pp. 1152-1153.

¹² *South Dakota v. Wayfair, Inc.* (2018) 138 S.Ct. 2080, 2091.

2021 Los Angeles County budgeted \$1.3 billion for jail costs with \$90,000 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).”

SUPPORT: (Verified 8/12/26)

McClatchy High School Eco Club (source)
A Voice for Choice Advocacy
California Legislative Central Coast Caucus
Consumer Reports
Surfrider Foundation

OPPOSITION: (Verified 8/12/26)

None received

ARGUMENTS IN SUPPORT: The author writes:

“Using misleading or factually untrue labels on products is a deceptive practice that not only breaks consumer trust but also creates unfair competition against honest brands. We have seen this in recent years with sunscreen products that market themselves as ‘reef safe’ or otherwise ‘reef friendly,’ because companies know that there is a market for people who genuinely care about the environment. Rather than develop products that are truly safe based on the best available science, these companies sell mislabeled goods in an attempt to capitalize on the demand for ‘greener’ products. As a result, the average consumer is more likely to use sunscreen that harms the environment because the label told them it was reef safe. This practice has directly harmed aquatic life, particularly corals, which are already facing the threats associated with climate change. AB 1744 will help ensure that consumers can make truly informed choices when buying sunscreen without the fear of being misled by dishonest labeling practices.”

The McClatchy High School Eco Club , the sponsor of the bill, writes in support stating:

“Scientific research and findings from the National Oceanic and Atmospheric Administration (NOAA), as well as peer-reviewed studies, show that chemicals used in many sunscreens - including oxybenzone, octinoxate, and octocrylene - can harm rocky reefs, corals, kelp and other marine life by disrupting photosynthesis, damaging DNA, and causing coral bleaching. When people (swimmers, divers, etc.) enter the water, these chemicals wash off and accumulate in coastal habitats,

where even trace levels can affect coral larvae, algae, and fish populations. They can damage marine vegetation such as kelp and seagrass, which are essential components of rocky reef ecosystems, providing food and habitat for many marine species. This evidence has prompted some jurisdictions to ban certain chemical UV filter ingredients, including the State of Hawaii for certain chemicals and Maui for all active chemical ingredients,

Despite growing awareness of these harms, some sunscreen products containing chemical UV filters are still being marketed in non-ban states, such as California, as “reef safe,” misleading consumers and undermining marine protection efforts. These false environmental claims exploit consumers’ desire to buy eco-friendly products, give unfair market advantages, and perpetuate damage to marine ecosystems.

AB 1744 addresses the problem through a truth-in-advertising approach: it removes the ability of companies to claim environmental safety if their products contain chemical UV filters associated with ecological harm.”

ASSEMBLY FLOOR: 70-2, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Hadwick

NO VOTE RECORDED: Arambula, Chen, Flora, Garcia, Lackey, Ramos, Celeste Rodriguez, Tangipa

Prepared by: Amanda Mattson / JUD. / (916) 651-4113
8/14/26 13:19:34

**** END ****