

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1228 Session of
2017

INTRODUCED BY ENGLISH, MILLARD, D. COSTA, V. BROWN, WARD,
DeLUCA, RAPP, GROVE, LONGIETTI, SCHLOSSBERG, McCARTER,
PHILLIPS-HILL AND SOLOMON, APRIL 17, 2017

REFERRED TO COMMITTEE ON EDUCATION, APRIL 17, 2017

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school health services, providing
6 for sun protection of students, including the application of
7 nonprescription sunscreen.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 Section 1414.9. Sun Protection Measures for Students.--(a)
14 Each school entity shall allow the following during school
15 hours, at a school-sponsored activity or while under the
16 supervision of school personnel:

17 (1) The outdoor use by students of sun-protective clothing,
18 including, but not limited to, hats.

19 (2) The possession, application and use by students of a
20 nonaerosol topical sunscreen product without a physician's note

1 or prescription if the product is approved by the Food and Drug
2 Administration for over-the-counter use for the purpose of
3 limiting ultraviolet light-induced skin damage.

4 (b) Nothing in subsection (a)(1) shall be construed to
5 prevent a school entity from prohibiting certain clothing or
6 hats based on the inappropriateness of the graphics, color or
7 message of the clothing or hats.

8 (c) A school entity may allow, but not require, school
9 personnel to assist students in applying a topical sunscreen
10 product with parental permission.

11 (d) School personnel may not be held liable in a criminal
12 action or for civil damages for application of a topical
13 sunscreen product if the topical sunscreen product is available
14 to and used by the student in accordance with this section.

15 (e) For purposes of this section, the following terms shall
16 have the following meanings:

17 "School entity." A school district, intermediate unit,
18 charter school or area vocational-technical school.

19 "School personnel." The term includes, but is not limited
20 to, an administrator, school nurse or teacher.

21 Section 2. This act shall take effect in 60 days.