

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, SOLOMON, JAMES, PICKETT, GILLEN, BRIGGS, DAY, FRANKEL, BARBIN, J. HARRIS, DALEY AND MARSICO, APRIL 17, 2017

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 9, 2018

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~~

1 ~~nonaerosol topical sunscreen product without a physician's note~~
2 ~~or prescription if the product is approved by the Food and Drug~~
3 ~~Administration for over the counter use for the purpose of~~
4 ~~limiting ultraviolet light induced skin damage.~~

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

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

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

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

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

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

22 ~~SECTION 1414.10. SUN PROTECTION MEASURES FOR STUDENTS.-- (A) <--~~
23 ~~A SCHOOL ENTITY SHALL ALLOW THE FOLLOWING DURING SCHOOL HOURS,~~
24 ~~AT A SCHOOL-SPONSORED ACTIVITY OR WHILE UNDER THE SUPERVISION OF~~
25 ~~SCHOOL PERSONNEL:~~

26 ~~(1) THE OUTDOOR USE BY A STUDENT OF SUN-PROTECTIVE CLOTHING,~~
27 ~~INCLUDING, BUT NOT LIMITED TO, A HAT. NOTHING IN THIS CLAUSE~~
28 ~~SHALL BE CONSTRUED TO PREVENT A SCHOOL ENTITY FROM PROHIBITING~~
29 ~~CERTAIN CLOTHING OR HATS BASED ON THE INAPPROPRIATENESS OF THE~~
30 ~~GRAPHICS, COLOR OR MESSAGE OF THE CLOTHING OR HATS.~~

1 (2) EXCEPT AS PROVIDED UNDER SUBSECTION (B), THE POSSESSION,
2 APPLICATION OR USE BY A STUDENT OF A NONAEROSOL TOPICAL
3 SUNSCREEN PRODUCT WITHOUT A PHYSICIAN'S NOTE OR PRESCRIPTION IF:

4 (I) THE NONAEROSOL TOPICAL SUNSCREEN PRODUCT IS APPROVED BY
5 THE FOOD AND DRUG ADMINISTRATION FOR OVER-THE-COUNTER USE FOR
6 THE PURPOSE OF LIMITING ULTRAVIOLET LIGHT-INDUCED SKIN DAMAGE.

7 (II) THE PARENT OR GUARDIAN OF THE STUDENT SUBMITS A FORM
8 PROVIDED BY THE SCHOOL ENTITY TO THE APPROPRIATE SCHOOL
9 PERSONNEL WHICH ATTESTS TO THE FOLLOWING:

10 (A) THE SCHOOL ENTITY IS NOT RESPONSIBLE FOR ENSURING THAT
11 THE NONAEROSOL TOPICAL SUNSCREEN PRODUCT IS APPLIED BY THE
12 STUDENT.

13 (B) THE STUDENT HAS DEMONSTRATED TO THE PARENT OR GUARDIAN
14 THAT THE STUDENT IS CAPABLE OF SELF-APPLYING THE NONAEROSOL
15 TOPICAL SUNSCREEN PRODUCT.

16 (III) THE STUDENT SUBMITS A FORM PROVIDED BY THE SCHOOL
17 ENTITY TO THE APPROPRIATE SCHOOL PERSONNEL WHICH ATTESTS TO THE
18 FOLLOWING:

19 (A) THE STUDENT KNOWS THE PROPER METHOD OF SELF-APPLYING THE
20 NONAEROSOL TOPICAL SUNSCREEN PRODUCT.

21 (B) THE STUDENT KNOWS THE PROPER SAFETY PRECAUTIONS FOR THE
22 HANDLING AND DISPOSAL OF THE NONAEROSOL TOPICAL SUNSCREEN
23 PRODUCT.

24 (B) THE DEPARTMENT OF EDUCATION SHALL DEVELOP MODEL FORMS
25 THAT SCHOOL ENTITIES MAY USE TO SATISFY THE REQUIREMENTS UNDER
26 SUBSECTION (A) (2) (II) AND (III).

27 (C) THE FOLLOWING APPLY:

28 (1) A SCHOOL ENTITY MAY REVOKE OR RESTRICT THE POSSESSION,
29 APPLICATION OR USE OF A NONAEROSOL TOPICAL SUNSCREEN PRODUCT BY
30 A STUDENT IF ANY OF THE FOLLOWING OCCURS:

1 (I) THE STUDENT FAILS TO COMPLY WITH SCHOOL RULES CONCERNING
2 THE POSSESSION, APPLICATION OR USE OF THE NONAEROSOL TOPICAL
3 SUNSCREEN PRODUCT.

4 (II) THE STUDENT SHOWS AN UNWILLINGNESS OR INABILITY TO
5 SAFEGUARD THE NONAEROSOL TOPICAL SUNSCREEN PRODUCT FROM ACCESS
6 BY OTHER STUDENTS.

7 (2) IF A SCHOOL ENTITY REVOKES OR RESTRICTS THE POSSESSION,
8 APPLICATION OR USE OF A NONAEROSOL TOPICAL SUNSCREEN PRODUCT BY
9 A STUDENT UNDER PARAGRAPH (1), THE SCHOOL ENTITY SHALL PROVIDE
10 WRITTEN NOTICE OF THE REVOCATION OR RESTRICTION TO THE STUDENT'S
11 PARENT OR GUARDIAN.

12 (D) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL
13 HAVE THE FOLLOWING MEANINGS:

14 "SCHOOL ENTITY." A SCHOOL DISTRICT, INTERMEDIATE UNIT,
15 CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

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