

ALLOW POSSESSION AND APPLICATION OF SUNSCREEN AT SCHOOL

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House Bill 5379 as introduced
Sponsor: Rep. Kevin Hertel
Committee: Education Reform
Complete to 1-31-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5379 would amend the Revised School Code to allow possession and usage of sunscreen at school by nonpublic and public school students. (MCL 380.1179)

Under the bill, students would be allowed to possess and use sunscreen at school, on school-sponsored transportation, or at any activity, event, or program sponsored by or in which the student's school is participating as long as the student has written approval from a parent or guardian (if the student is a minor) and the school's principal or other chief administrator has received a copy of the approval.

The bill would exempt school districts, nonpublic schools, and board members and employees from liability when they permit or prohibit use of sunscreen based on a reasonable belief that the required conditions had or had not been met, as applicable.

The bill would take effect 90 days after enactment.

BACKGROUND:

Currently, sunscreen is considered an over-the-counter medication by the U.S. Food and Drug Administration (FDA), so Michigan districts and nonpublic schools require a doctor's note and that usage be overseen by a school nurse.

In recent years, states have moved to provide an exception from over-the-counter protections for sunscreen. At least ten states had passed legislation to that effect as of January 2018: California (in 2002), New York (2013), Oregon and Texas (2015), and Alabama, Arizona, Florida, Louisiana, Utah, and Washington (2017). The laws in Arizona, New York, and Washington also stipulate that children may bring and use sunscreen at summer camps. Legislation is pending in at least five other states.

FISCAL IMPACT:

House Bill 5379 would have no fiscal impact for the state, but the bill could marginally increase costs for school districts, intermediate school districts (ISDs), and public school academies (PSAs). School districts, ISDs, and PSAs could incur additional administrative costs for collecting and keeping track of written approvals to possess and use sunscreen.

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