

SSB 5404 - H COMM AMD
By Committee on Education

ADOPTED 04/10/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210
4 RCW to read as follows:

5 (1) Any person, including students, parents, and school
6 personnel, may possess topical sunscreen products to help prevent
7 sunburn while on school property, at a school-related event or
8 activity, or at summer camp. As excepted in RCW 28A.210.260, a
9 sunscreen product may be possessed and applied under this section
10 without the prescription or note of a licensed health care
11 professional if the product is regulated by the United States food
12 and drug administration for over-the-counter use. For student use, a
13 sunscreen product must be supplied by a parent or guardian.

14 (2) Schools are encouraged to educate students about sun safety
15 guidelines.

16 (3) Nothing in this section requires school personnel to assist
17 students in applying sunscreen.

18 (4) As used in this section, "school" means a public school,
19 school district, educational service district, or private school with
20 any of grades kindergarten through twelve.

21 **Sec. 2.** RCW 28A.210.260 and 2013 c 180 s 1 are each amended to
22 read as follows:

23 Public school districts and private schools which conduct any of
24 grades kindergarten through the twelfth grade may provide for the
25 administration of oral medication, topical medication, eye drops, ear
26 drops, or nasal spray, of any nature to students who are in the
27 custody of the school district or school at the time of
28 administration, but are not required to do so by this section,
29 subject to the following conditions:

30 (1) The board of directors of the public school district or the
31 governing board of the private school or, if none, the chief

1 administrator of the private school shall adopt policies which
2 address the designation of employees who may administer oral
3 medications, topical medications, eye drops, ear drops, or nasal
4 spray to students, the acquisition of parent requests and
5 instructions, and the acquisition of requests from licensed health
6 professionals prescribing within the scope of their prescriptive
7 authority and instructions regarding students who require medication
8 for more than fifteen consecutive school days, the identification of
9 the medication to be administered, the means of safekeeping
10 medications with special attention given to the safeguarding of
11 legend drugs as defined in chapter 69.41 RCW, and the means of
12 maintaining a record of the administration of such medication;

13 (2) The board of directors shall seek advice from one or more
14 licensed physicians or nurses in the course of developing the
15 foregoing policies;

16 (3) The public school district or private school is in receipt of
17 a written, current and unexpired request from a parent, or a legal
18 guardian, or other person having legal control over the student to
19 administer the medication to the student;

20 (4) The public school district or the private school is in
21 receipt of (a) a written, current and unexpired request from a
22 licensed health professional prescribing within the scope of his or
23 her prescriptive authority for administration of the medication, as
24 there exists a valid health reason which makes administration of such
25 medication advisable during the hours when school is in session or
26 the hours in which the student is under the supervision of school
27 officials, and (b) written, current and unexpired instructions from
28 such licensed health professional prescribing within the scope of his
29 or her prescriptive authority regarding the administration of
30 prescribed medication to students who require medication for more
31 than fifteen consecutive workdays;

32 (5) The medication is administered by an employee designated by
33 or pursuant to the policies adopted pursuant to subsection (1) of
34 this section and in substantial compliance with the prescription of a
35 licensed health professional prescribing within the scope of his or
36 her prescriptive authority or the written instructions provided
37 pursuant to subsection (4) of this section. If a school nurse is on
38 the premises, a nasal spray that is a legend drug or a controlled
39 substance must be administered by the school nurse. If no school
40 nurse is on the premises, a nasal spray that is a legend drug or a

1 controlled substance may be administered by a trained school employee
2 or parent-designated adult who is not a school nurse. The board of
3 directors shall allow school personnel, who have received appropriate
4 training and volunteered for such training, to administer a nasal
5 spray that is a legend drug or a controlled substance. After a school
6 employee who is not a school nurse administers a nasal spray that is
7 a legend drug or a controlled substance, the employee shall summon
8 emergency medical assistance as soon as practicable;

9 (6) The medication is first examined by the employee
10 administering the same to determine in his or her judgment that it
11 appears to be in the original container and to be properly labeled;
12 and

13 (7) The board of directors shall designate a professional person
14 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it
15 applies to registered nurses and advanced registered nurse
16 practitioners, to delegate to, train, and supervise the designated
17 school district personnel in proper medication procedures;

18 (8)(a) For the purposes of this section, "parent-designated
19 adult" means a volunteer, who may be a school district employee, who
20 receives additional training from a health care professional or
21 expert in epileptic seizure care selected by the parents, and who
22 provides care for the child consistent with the individual health
23 plan.

24 (b) To be eligible to be a parent-designated adult, a school
25 district employee not licensed under chapter 18.79 RCW must file,
26 without coercion by the employer, a voluntary written, current, and
27 unexpired letter of intent stating the employee's willingness to be a
28 parent-designated adult. If a school employee who is not licensed
29 under chapter 18.79 RCW chooses not to file a letter under this
30 section, the employee shall not be subject to any employer reprisal
31 or disciplinary action for refusing to file a letter;

32 (9) The board of directors shall designate a professional person
33 licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to
34 registered nurses and advanced registered nurse practitioners, to
35 consult and coordinate with the student's parents and health care
36 provider, and train and supervise the appropriate school district
37 personnel in proper procedures for care for students with epilepsy to
38 ensure a safe, therapeutic learning environment. Training may also be
39 provided by an epilepsy educator who is nationally certified. Parent-
40 designated adults who are school employees are required to receive

1 the training provided under this subsection. Parent-designated adults
2 who are not school employees must show evidence of comparable
3 training. The parent-designated adult must also receive additional
4 training as established in subsection (8)(a) of this section for the
5 additional care the parents have authorized the parent-designated
6 adult to provide. The professional person designated under this
7 subsection is not responsible for the supervision of the parent-
8 designated adult for those procedures that are authorized by the
9 parents;

10 (10) This section does not apply to topical sunscreen products
11 regulated by the United States food and drug administration for over-
12 the-counter use. Provisions related to possession and application of
13 topical sunscreen products are in section 1 of this act.

14 NEW SECTION. Sec. 3. This act does not create any civil
15 liability on the part of the state or any state agency, officer,
16 employee, agent, political subdivision, or school district.

17 NEW SECTION. Sec. 4. This act may be known and cited as the
18 student sun safety education act.

19 NEW SECTION. Sec. 5. This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of
21 the state government and its existing public institutions, and takes
22 effect immediately."

23 Correct the title.

EFFECT: Excepts topical sunscreen products regulated for over-
the-counter use from the education law regulating administration of
medication.

Permits any person to possess, rather than possess and apply,
such sunscreen products at a school event, activity, or summer camp.

Maintains the declaration that such sunscreen products may be
possessed and applied without prescription.

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