

HOUSE BILL REPORT

SSB 5404

As Reported by House Committee On:
Education

Title: An act relating to sunscreen in schools.

Brief Description: Permitting the possession and application of topical sunscreen products at schools.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Rivers, Liias, Zeiger, Wellman, Keiser, Fain, Kuderer and Carlyle).

Brief History:

Committee Activity:

Education: 3/13/17, 3/23/17 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Excepts sunscreen regulated for over-the-counter use from the education law regulating administration of medication in public and private schools.
- Allows anyone to possess sunscreen while on school property, at a school-related event or activity, or at summer camp.
- Specifies that a prescription or note of a licensed health care professional is not required if the product is regulated for over-the-counter use.
- Requires that a parent or guardian supply sunscreen for student use, and specifies that school personnel are not required to assist students in applying sunscreen.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Springer, Steele, Stokesbary and Volz.

Staff: Megan Wargacki (786-7194).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Public and private schools are allowed to administer oral and topical medication, eye drops, ear drops, and nasal spray to students in their custody, but are not required to do so. Before trained school personnel may administer medication to a student, the public school district or private school must receive a written, current, unexpired request from a parent or guardian and a licensed health care professional, among other requirements. A student may self-administer asthma, anaphylaxis, or diabetes medication under certain circumstances.

The education title of the code does not define medication. It also does not make a distinction between prescription and nonprescription medication. However, the Office of the Superintendent of Public Instruction's 2015 Guidelines for Medication Administration in Schools treat "over-the-counter medication" the same as prescription medication. The guidelines go on to categorize sunscreen as a medication because it is regulated by the United States Food and Drug Administration (FDA) as a "sunscreen drug product."

Summary of Amended Bill:

Anyone, including students, parents, and school personnel, may possess topical sunscreen products to help prevent sunburn while on school property, at a school-related event or activity, or at summer camp. A sunscreen product may be possessed and applied without the prescription or note of a licensed health care professional if the product is regulated by the FDA for over-the-counter use. Sunscreen regulated for over-the-counter use is excepted from the law regulating administration of medication public and private schools.

For student use, a sunscreen product must be supplied by a parent or guardian. School personnel are not required to assist students in applying sunscreen.

Schools are encouraged to educate students about sun safety guidelines. "School" means a public school, school district, educational service district, or private school with any of grades kindergarten through 12.

This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district. This act may be known and cited as the Student Sun Safety Education Act.

Amended Bill Compared to Substitute Bill:

Topical sunscreen products regulated for over-the-counter use are excepted from the education law regulating administration of medication in public and private schools.

Any person is allowed 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) The activity allowed in the bill seems so common sense, but this bill is something that needs to be done. This bill will protect students from the harmful effects of the sun. Parents are concerned about their children's skin. There was discussion about requiring a permission slip to have sunscreen at school, but it was determined that students might not give the slip to their parents. It was concluded that the parent giving the child the sunscreen is tacit approval to have and use sunscreen.

Skin cancer is the most common form of cancer; approximately 50 million people were treated last year. One bad burn in childhood doubles a person's chance of getting cancer later in life. Sunscreen is regulated by the FDA. Some schools ban or strictly regulate all medication and sunscreen has inadvertently been caught up in these regulations. The bill clarifies the intent of the Legislature that sun safety is important in schools

Some people like the change in the bill that parents must supply sunscreen. However, it would also be good to require parent permission. This addition would make the nurses association more comfortable.

Some families try to follow current law by getting approval slips from licensed health care professional and sending the slips with sunscreen to their children's school or summer camp. The summer camps often lose these slips. The counselors cannot assist children in putting on sunscreen because the camp lost the slip, and the administrator cannot help because he or she has never seen the slip. Please do not put a permission slip in a child's school bag. It is better to put the permission requirement in the registration form.

(Opposed) None.

Persons Testifying: Senator Rivers, prime sponsor; Melissa Johnson, School Nurse Organization–Washington; Holly Chisa; and Melissa Gombosky, Personal Care Products Council.

Persons Signed In To Testify But Not Testifying: None.