

# FINAL BILL REPORT

## SSB 5404

---

---

### C 186 L17

Synopsis as Enacted

**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).

#### **Senate Committee on Early Learning & K-12 Education**

#### **House Committee on Education**

**Background:** Current state law allows public school districts and private schools to administer oral and topical medication, eye drops, ear drops, and nasal spray when a student is in the custody of the school, but administration of medication is not required. In order to administer medication, public school districts and private schools must meet certain requirements including receipt of written, current, unexpired requests from a parent or guardian and a licensed health professional.

The education title of the code does not define medication. It also does not make a distinction between prescription and non-prescription medication. According to the state's 2015 Guidelines for Medication Administration in Schools, the Office of Superintendent of Public Instruction (OSPI) has interpreted current law to include over-the-counter medication.

The OSPI guidelines state that sunscreen should be categorized as a medication because it is regulated by the U.S. Food and Drug Administration (FDA). The FDA regulations refer to over-the-counter sunscreen drug products and have been stayed indefinitely.

**Summary:** State law regarding the administration of medication at school does not apply to topical sunscreen products regulated by the FDA for over-the-counter use.

Any person, 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 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. For student use, a sunscreen product must be supplied by a parent or guardian.

---

*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.*

Schools are encouraged to educate students about sun safety guidelines. School personnel are not required to assist students in applying sunscreen. School means public school, school district, educational service district, or private school with any of grades kindergarten through twelve.

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.

**Votes on Final Passage:**

Senate	49	0	
House	98	0	(House amended)
Senate	49	0	(Senate concurred)

**Effective:** May 4, 2017