

SENATE BILL REPORT

SSB 5404

As Amended by House, April 10, 2017

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, Lias, Zeiger, Wellman, Keiser, Fain, Kuderer and Carlyle).

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/07/17, 2/14/17 [DPS].

Floor Activity:

Passed Senate: 2/27/17, 49-0.

Passed House: 4/10/17, 98-0.

Brief Summary of First Substitute Bill

- Allows students, parents, and school personnel to possess and apply sunscreen products while on school property, at a school-related event or activity, or summer camp.
- Specifies that a prescription or note of a licensed health care professional is not necessary if the sunscreen is regulated for over-the-counter use.
- Requires a parent or guardian to supply a sunscreen product for student use.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass.

Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig, Mullet, Rivers and Warnick.

Staff: Ailey Kato (786-7434)

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: 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 of First Substitute Bill: Any person, including students, parents, and school personnel, may possess and apply 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.

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.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Sun safety and skin cancer prevention is important. A single bad sunburn can increase the risk of having skin cancer. Some schools have adopted policies that specifically ban and strictly regulate medication in schools, and sunscreen may be inadvertently banned on some school property. This bill clarifies that sunscreen is allowed at school. The bill should be amended to require parent or guardian permission to apply sunscreen at school, and the parent or guardian must supply the sunscreen to avoid any allergy issues.

Persons Testifying: PRO: Senator Ann Rivers, Prime Sponsor; Melissa Johnson, School Nurse Organization of Washington; Melissa Gombosky, Personal Care Products Council.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Permits any person to possess, rather than possess and apply, sunscreen products while on school property, at a school-related event or activity, or at summer camp.
- Provides that 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.