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## Education Committee

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### SSB 5404

**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 Summary of Substitute Bill

- Allows anyone to possess and apply 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.

**Hearing Date:** 3/13/17

**Staff:** Yvonne Walker (786-7841).

#### Background:

Public school districts 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 requests 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 non-prescription 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

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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 Bill:**

Anyone, 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 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.

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 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. This act may be known and cited as the Student Sun Safety Education Act.

**Appropriation:** None.

**Fiscal Note:** Available.

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