

2017 Regular Session

HOUSE BILL NO. 412

BY REPRESENTATIVE LEBAS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS: Authorizes the possession and application of sunscreen at public schools

1 AN ACT

2 To enact R.S. 17:436.1(L) and 3996(B)(13), relative to the administration of medication at
3 public schools; to except sunscreen from requirements and restrictions pertaining to
4 the administration of medication to public school students; to authorize a student to
5 possess and self-apply sunscreen; to authorize a public school employee to volunteer
6 to apply sunscreen to a student under certain circumstances; to provide a limitation
7 of liability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:436.1(L) and 3996(B)(13) are hereby enacted to read as follows:

10 §436.1. Administration of medication; definition; conditions; restrictions;
11 exceptions

12 * * *

13 L. (1) Notwithstanding Subsection A of this Section, the definition of
14 "medication" shall not include sunscreen.

15 (2) For purposes of this Subsection, "sunscreen" means a compound topically
16 applied to prevent sunburn.

17 (3) A student may possess and self-apply sunscreen that is regulated by the
18 Food and Drug Administration at school, on a school bus, or at a school-sponsored
19 function or activity without parental consent or the authorization of a physician.

1 (4) If a student is unable to self-apply sunscreen, a school employee may
 2 volunteer to apply the sunscreen to the student. A school employee may only apply
 3 sunscreen to a student if his parent or legal guardian has provided written consent for
 4 this application, and neither a school employee nor his employer shall be held liable
 5 for any adverse reaction relating to the employee's application of the sunscreen or his
 6 cessation of such application.

7 * * *

8 §3996. Charter schools; exemptions; requirements

9 * * *

10 B. Notwithstanding any state law, rule, or regulation to the contrary and
 11 except as may be otherwise specifically provided for in an approved charter, a
 12 charter school established and operated in accordance with the provisions of this
 13 Chapter and its approved charter and the school's officers and employees shall be
 14 exempt from all statutory mandates or other statutory requirements that are
 15 applicable to public schools and to public school officers and employees except for
 16 the following laws otherwise applicable to public schools with the same grades:

17 * * *

18 (13) Possession and application of sunscreen, R.S. 17:436.1.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 412 Original

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LeBas

Abstract: Exempts sunscreen from requirements and restrictions applying to the administration of medication to public school students, allows students to possess and self-apply sunscreen without parental consent or a physician's authorization, and provides for sunscreen application by school employees.

Present law provides for requirements and restrictions relative to the administration of medication to public school students and defines "medication" to mean all prescription and nonprescription drugs. Proposed law excepts sunscreen from this definition and provides as follows, applicable to all public schools, including charter schools:

- (1) Authorizes students to possess and self-apply sunscreen at school, on a school bus, or at a school-sponsored function or activity without parental consent or a physician's authorization.
- (2) Authorizes school employees to volunteer to apply sunscreen to a student if he is unable to apply it himself; requires parental consent.
- (3) Provides that neither a school employee nor his employer shall be held liable for any adverse reaction relating to the employee's application of the sunscreen or his cessation of such application.

Proposed law defines "sunscreen" as a compound topically applied to prevent sunburn.

(Adds R.S. 17:436.1(L) and 3996(B)(13))