

HOUSE No. 545

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to sun safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>

HOUSE No. 545

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 545) of Sarah K. Peake and others relative to the use of sun protection in public schools and youth camps. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to sun safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 71 of the Massachusetts General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by adding after section 97 the following section:-

3 Section 98. Any person, including but not limited to students, parents or school personnel
4 may possess and use a topical sunscreen product without a physician’s note or prescription while
5 on school property or at a school-related event or activity to avoid overexposure to the sun if the
6 product is regulated by the Federal Food and Drug Administration for over-the-counter use.

7 For the purposes of this section only, sunscreen is not an over-the-counter medication.

8 Nothing in this section requires school personnel to assist pupils in applying sunscreen.

9 The school district may encourage school sites to educate pupils on sun safety
10 precautions.

11 SECTION 2. Chapter 111, as so appearing, is hereby amended by adding after section
12 236 the following section:-

13 Section 237. The commissioner shall adopt regulations regarding sun safety, including
14 but not limited to:

15 (a) A student may possess and use a topical sunscreen product while on school property
16 or at a school-sponsored event or activity without a physician's note or prescription if the
17 product is approved by the federal Food and Drug Administration for over-the-counter use for
18 the purpose of limiting ultraviolet light-induced skin damage.

19 (b) A participant in a youth camp may possess and use a topical sunscreen product while
20 attending such camp without a physician's note or prescription if the product is approved by the
21 federal Food and Drug administration for over-the-counter use for the purpose of limiting
22 ultraviolet light-induced skin damage.

23 (c) A school district or youth camp operator may allow school or youth camp personnel
24 to assist students in applying a topical sunscreen product with parental permission.

25 (d) School or youth camp personnel may not be held liable in a criminal action or for
26 civil damages for application of a topical sunscreen product if the topical sunscreen product is
27 available to and used by the student or camp participant in accordance with this section.

28 (e) Each school or camp shall allow for outdoor use articles of sun-protective clothing,
29 including, but not limited to, hats.