

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 829

By: Bullard

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,
8 Section 1-116.2, which relates to administration of
9 medicine; prohibiting certain acts by school or
10 school employee without parental authorization;
11 providing an effective date; and declaring an
12 emergency.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1-116.2, is
15 amended to read as follows:

16 Section 1-116.2. A. A school nurse, or in the absence of such
17 nurse, an administrator or designated school employees, pursuant to
18 the written authorization of the parent or guardian of the student,
19 may:

- 20 1. Administer a nonprescription medicine;
- 21 2. Assist a student in applying sunscreen, a compound topically
22 applied to prevent a sunburn; and
- 23 3. Administer a filled prescription medicine as that term is
24 defined by Section 353.1 of Title 59 of the Oklahoma Statutes
25 pursuant to the directions for the administration of the medicine

1 listed on the label or as otherwise authorized by a licensed
2 physician.

3 B. In addition to the persons authorized to administer
4 nonprescription medicine and filled prescription medicine pursuant
5 to the provisions of subsection A of this section, a nurse employed
6 by a county health department and subject to an agreement made
7 between the county health department and the school district for
8 medical services, may administer nonprescription medicine and filled
9 prescription medicine pursuant to the provisions of this section.

10 C. Each school in which any medicine is administered pursuant
11 to the provisions of subsection A of this section shall keep a
12 record of the name of the student to whom the medicine was
13 administered, the date the medicine was administered, the name of
14 the person who administered the medicine and the type or name of the
15 medicine which was administered.

16 D. Medicine to be administered by the county or school nurse,
17 administrator or the designated persons and which is stored at the
18 school shall be properly stored and not readily accessible to
19 persons other than the persons who will administer the medication.

20 E. 1. A public school shall permit a student to possess and
21 self-apply sunscreen that is regulated by the Food and Drug
22 Administration without the written authorization of a parent, legal
23 guardian or physician.

1 2. As used in this subsection, "sunscreen" means a compound
2 topically applied to prevent sunburn.

3 F. The school shall keep on file the written authorization of
4 the parent or guardian of the student to administer medicine to the
5 student or to apply sunscreen on the student.

6 G. 1. As provided in the Parents' Bill of Rights, a student
7 shall not be vaccinated at school or on school grounds or receive a
8 vaccine as part of the mobile vaccination effort without prior
9 written authorization, including the signature of the parent or
10 legal guardian of the student for the vaccine or group of vaccines
11 to be administered during a single visit.

12 2. As provided in the Parents' Bill of Rights, a school or
13 school employee shall not provide a student with any contraceptive
14 drug or device without the prior written authorization of the
15 student's parent or legal guardian. Additionally, a school or
16 school employee shall not facilitate the provision of a student with
17 a contraceptive drug or device by any means including, but not
18 limited to, providing transportation without the prior written
19 authorization of the student's parent or legal guardian.

20 3. A school or school employee shall not, without the prior
21 written authorization of the student's parent or legal guardian,
22 provide family planning counseling to a student or facilitate the
23 provision of family planning counseling to a student by any means
24 including, but not limited to, providing transportation.

1 H. A school nurse, county nurse, administrator or the
2 designated school employees shall not be liable to the student or a
3 parent or guardian of the student for civil damages for any personal
4 injuries to the student which result from acts or omissions of the
5 school or county nurse, administrator or designated school employees
6 in administering any medicine pursuant to the provisions of this
7 section. This immunity shall not apply to acts or omissions
8 constituting gross, willful or wanton negligence.

9 SECTION 2. This act shall become effective July 1, 2023.

10 SECTION 3. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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