

1 H.538

2 Introduced by Representative Wood of Waterbury

3 Referred to Committee on

4 Date:

5 Subject: Health; public health; sunscreen use at school; child restraint systems

6 Statement of purpose of bill as introduced: This bill proposes to allow students  
7 to have and apply sunscreen at school with the permission of a parent or  
8 guardian. It further proposes to amend the provisions of the existing child  
9 restraint system law and also to establish a child restraint system public  
10 outreach campaign.

11 An act relating to student application of sunscreen and car seat safety

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 \* \* \* Possession and Application of Sunscreen in Schools \* \* \*

14 Sec. 1. 16 V.S.A. § 1389 is added to read:

15 § 1389. POSSESSION AND APPLICATION OF SUNSCREEN

16 (a) Pursuant to the requirements of this section, each public and approved  
17 independent school in the State shall permit students, with the written  
18 authorization of a parent or guardian, to possess and self-administer a topical,  
19 nonaerosolized sunscreen while on school property or at a school-sponsored  
20 event or activity without being required to provide a medical provider's note or

1 prescription or having to store the sunscreen in a specific location. A school  
2 shall keep on file a parent or guardian's written authorization.

3 (b) A school may adopt policies to allow school personnel to assist a  
4 student in applying topical, nonaerosolized sunscreen if written permission  
5 from the student's parent or guardian is obtained.

6 (c) School personnel shall not be required to assist students in applying  
7 sunscreen and shall not be responsible for ensuring that the sunscreen is  
8 applied to the student.

9 (d) School and school personnel shall be immune from civil liability for  
10 any actions taken in good faith in reliance on the provisions of this section.  
11 This section shall not apply to recklessness or intentional misconduct on the  
12 part of the school or school personnel.

13 (e) As used in this section, "sunscreen" means a product regulated by the  
14 U.S. Food and Drug Administration for over-the-counter use for the purpose of  
15 limiting ultraviolet light-induced skin damage.

16 \* \* \* Child Restraint Systems \* \* \*

17 Sec. 2. 23 V.S.A. § 1258 is amended to read:

18 § 1258. CHILD RESTRAINT SYSTEMS; ~~PERSONS~~ INDIVIDUALS

19 ~~UNDER AGE~~ 18 YEARS OF AGE

20 (a) No ~~person~~ individual shall operate a motor vehicle, other than a type I  
21 school bus, in this State upon a public highway unless every occupant under

1 ~~age 18 years of age~~ is properly restrained in a federally approved child  
2 ~~passenger restraining~~ restraint system as defined in 49 C.F.R. § 571.213, as  
3 may be amended, or a federally approved safety belt, as follows:

4 (1) ~~all children~~ a child under the two years of age of one and all children  
5 ~~weighing less than 20 pounds, regardless of age,~~ shall be restrained in a rear-  
6 ~~facing position,~~ properly secured in a federally approved ~~child passenger~~  
7 ~~restraining~~ rear-facing child restraint system with a harness, which shall not be  
8 ~~installed in front of an active air bag~~ as those terms are defined in 49 C.F.R.  
9 § 571.213, as may be amended, until the child reaches the weight or height  
10 limit of the rear-facing child restraint system as set by the manufacturer;

11 (2) a child ~~weighing more than 20 pounds, and who is one year of age or~~  
12 ~~older and under the age of eight~~ five years, of age who is not properly secured  
13 in a federally approved rear-facing child restraint system in accordance with  
14 subdivision (1) of this subsection shall be ~~restrained in a child passenger~~  
15 ~~restraining system~~ properly secured in a forward-facing federally approved  
16 child restraint system with a harness until the child reaches the weight or  
17 height limit of the child restraint system as set by the manufacturer; and

18 (3) a child under eight years of age who is not properly secured in a  
19 federally approved child restraint system in accordance with subdivision (1) or  
20 (2) of this subsection shall be properly secured in a booster seat, as defined in  
21 49 C.F.R. § 571.213, as may be amended;

1           (4) a child ~~eight through~~ under 17 years of age who is not properly  
2           secured in a federally approved child restraint system in accordance with  
3           subdivision (1), (2), or (3) of this subsection shall be restrained in a safety belt  
4           system ~~or a child passenger restraining system~~;

5           (5) a child under 13 years of age shall always, if practical, ride in a rear  
6           seat of a motor vehicle; and

7           (6) no child shall be secured in a rear-facing child restraint system in the  
8           front seat of a motor vehicle that is equipped with an active passenger-side  
9           airbag unless the airbag is deactivated.

10          (b) ~~A person~~ An individual shall not be adjudicated in violation of this  
11          section if:

12           (1) the motor vehicle is regularly used to transport passengers for hire,  
13          except a motor vehicle owned or operated by a child care facility;

14           (2) the motor vehicle was manufactured without safety belts; or

15           (3) the ~~person~~ individual has been ordered by an enforcement officer, a  
16          firefighter, or an authorized civil authority to evacuate ~~persons~~ individuals  
17          from a stricken area.

18          (c) The civil penalty for violation of this section shall be as follows:

19           (1) \$25.00 for a first violation;

20           (2) \$50.00 for a second violation; and

21           (3) \$100.00 for third and subsequent violations.

1       Sec. 3. CHILD RESTRAINT SYSTEMS; PUBLIC OUTREACH

2                   CAMPAIGN

3           (a) The Department of Health, in consultation with the Governor's  
4       Highway Safety Program, shall implement a public outreach campaign on car  
5       seat safety that builds upon the current Be Seat Smart program; utilizes  
6       materials on child safety prepared by the U.S. Department of Transportation,  
7       Traffic Safety Marketing; is consistent with the recommendations from the  
8       American Academy of Pediatrics in the Child Passenger Safety Policy  
9       Statement published in 2018; and educates Vermonters on 23 V.S.A. § 1258,  
10      as amended by Sec. 2 of this act.

11          (b) The public outreach campaign shall disseminate information on car seat  
12      safety through e-mail; a dedicated web page on car seat safety that is linked  
13      through the websites for the Agency of Transportation and the Department of  
14      Health; social media platforms; community posting websites; radio; television;  
15      and informational materials that can be printed and shall be made available to  
16      all pediatricians, obstetricians, and midwives licensed in the State and all Car  
17      Seat Inspection Stations in the State.

18                                   \* \* \* Effective Date \* \* \*

19       Sec. 4. EFFECTIVE DATE

20           This act shall take effect on July 1, 2024.