SENATE FLOOR VERSION 1 February 12, 2018 2 AS AMENDED By: Stanislawski 3 SENATE BILL NO. 950 4 5 6 An Act relating to schools; amending 70 O.S. 2011, Section 1-116.2, which relates to administration of medicine to students; requiring public schools to 7 permit a student to apply sunscreen without certain authorization; allowing certain individuals to apply 8 sunscreen on a student with certain authorization; 9 providing a definition; providing immunity from liability for certain individuals; providing an effective date; and declaring an emergency. 10 11 12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 13 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116.2, is amended to read as follows: 14 15 Section 1-116.2. A. A school nurse, or in the absence of such 16 nurse, an administrator or designated school employees, pursuant to the written authorization of the parent or quardian of the student, 17 may administer: 18 1. A nonprescription medicine; and 19 20 A filled prescription medicine as that term is defined by Section 353.1 of Title 59 of the Oklahoma Statutes pursuant to the 21 directions for the administration of the medicine listed on the 2.2 23 label or as otherwise authorized by a licensed physician.

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- B. In addition to the persons authorized to administer nonprescription medicine and filled prescription medicine pursuant to the provisions of subsection A of this section, a nurse employed by a county health department and subject to an agreement made between the county health department and the school district for medical services, may administer nonprescription medicine and filled prescription medicine pursuant to the provisions of this section.
- C. Each school in which any medicine is administered pursuant to the provisions of <u>subsection A of</u> this section shall keep a record of the name of the student to whom the medicine was administered, the date the medicine was administered, the name of the person who administered the medicine, and the type or name of the medicine which was administered.
- D. Medicine to be administered by the county or school nurse, administrator or the designated persons and which is stored at the school shall be properly stored and not readily accessible to persons other than the persons who will administer the medication.
- E. 1. A public school shall permit a student to possess and self-apply sunscreen that is regulated by the Food and Drug Administration without the written authorization of a parent, legal guardian or physician.
- 2. If a student is unable to self-apply sunscreen, a school nurse, an administrator or designated school employees may apply the

1	sunscreen on the student if the parent or legal guardian of the
2	student provides written authorization.
3	3. As used in this subsection, "sunscreen" means a compound
4	topically applied to prevent sunburn.
5	$\overline{ ext{F.}}$ The school shall keep on file the written authorization of
6	the parent or guardian of the student to administer medicine to the
7	student or to apply sunscreen on the student.
8	F. G. 1. A school nurse, county nurse, administrator, or the
9	designated school employees shall not be liable to the student or a
10	parent or guardian of the student for civil damages for any personal
11	injuries to the student which result from acts or omissions of the
12	school or county nurse, administrator $_{m{ au}}$ or designated school
13	employees in administering any medicine pursuant to the provisions
14	of this section. This immunity shall not apply to acts or omissions
15	constituting gross, willful, or wanton negligence.
16	2. A school nurse, an administrator or designated school
17	employees who apply sunscreen on a student as provided for in
18	subsection E of this section shall not be liable to the student or a
19	parent or legal guardian of the student:
20	a. for any adverse reaction suffered by the student as a
21	result of having sunscreen applied, or
22	b. as a result of their exercising reasonable care in
23	applying or discontinuing the application of the

sunscreen at any time.

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SECTION 2. This act shall become effective July 1, 2018. SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval. COMMITTEE REPORT BY: COMMITTEE ON EDUCATION February 12, 2018 - DO PASS AS AMENDED