

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 950

By: Stanislawski

6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 1-116.2, which relates to administration of  
9 medicine to students; requiring public schools to  
10 permit a student to apply sunscreen without certain  
11 authorization; allowing certain individuals to apply  
12 sunscreen on a student with certain authorization;  
13 providing a definition; providing immunity from  
14 liability for certain individuals; providing an  
15 effective date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116.2, is  
18 amended to read as follows:

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

- 23 1. A nonprescription medicine; and
- 24 2. A filled prescription medicine as that term is defined by  
Section 353.1 of Title 59 of the Oklahoma Statutes pursuant to the

1 directions for the administration of the medicine listed on the  
2 label or as otherwise authorized by a licensed 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  
15 the 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.  
24

1        2. If a student is unable to self-apply sunscreen, a school  
2 nurse, an administrator or designated school employees may apply the  
3 sunscreen on the student if the parent or legal guardian of the  
4 student provides written authorization.

5        3. As used in this subsection, "sunscreen" means a compound  
6 topically applied to prevent sunburn.

7        F. The school shall keep on file the written authorization of  
8 the parent or guardian of the student to administer medicine to the  
9 student or to apply sunscreen on the student.

10       ~~F.~~ G. 1. A school nurse, county nurse, administrator~~r~~ or the  
11 designated school employees shall not be liable to the student or a  
12 parent or guardian of the student for civil damages for any personal  
13 injuries to the student which result from acts or omissions of the  
14 school or county nurse, administrator~~r~~ or designated school  
15 employees in administering any medicine pursuant to the provisions  
16 of this section. This immunity shall not apply to acts or omissions  
17 constituting gross, willful~~r~~ or wanton negligence.

18        2. A school nurse, an administrator or designated school  
19 employees who apply sunscreen on a student as provided for in  
20 subsection E of this section shall not be liable to the student or a  
21 parent or legal guardian of the student for:

22            a. any adverse reaction suffered by the student as a  
23            result of having sunscreen applied, or  
24

1           b.    discontinuing the application of the sunscreen at any  
2           time.

3       SECTION 2.   This act shall become effective July 1, 2018.

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

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9       56-2-2224           EB           1/5/2018 2:13:33 PM