

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1855

By: Dahm

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 1-116.2, as last amended by Section 1, Chapter 474, O.S.L. 2019 (70 O.S. Supp. 2019, Section 1-116.2), which relates to application of medication to students; prohibiting certain vaccination without prior written authorization; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116.2, as last amended by Section 1, Chapter 474, O.S.L. 2019 (70 O.S. Supp. 2019, Section 1-116.2), is amended to read as follows:

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

1. Administer a nonprescription medicine;
2. Assist a student in applying sunscreen, a compound topically applied to prevent a sunburn; and

1 3. Administer a filled prescription medicine as that term is
2 defined by Section 353.1 of Title 59 of the Oklahoma Statutes
3 pursuant to the directions for the administration of the medicine
4 listed on the label or as otherwise authorized by a licensed
5 physician.

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

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

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

23 E. 1. A public school shall permit a student to possess and
24 self-apply sunscreen that is regulated by the Food and Drug
25

1 Administration without the written authorization of a parent, legal
2 guardian or physician.

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

5 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 G. As provided in the Parents' Bill of Rights, a student shall
9 not be vaccinated at school ~~or~~, on school grounds or during an off-
10 campus school activity such as a field trip, or receive a vaccine as
11 part of the mobile vaccination effort without prior written
12 authorization, including the signature of the parent or legal
13 guardian of the student for the vaccine or group of vaccines to be
14 administered during a single visit.

15 H. A school nurse, county nurse, administrator or the
16 designated school employees shall not be liable to the student or a
17 parent or guardian of the student for civil damages for any personal
18 injuries to the student which result from acts or omissions of the
19 school or county nurse, administrator or designated school employees
20 in administering any medicine pursuant to the provisions of this
21 section. This immunity shall not apply to acts or omissions
22 constituting gross, willful or wanton negligence.

1 SECTION 2. This act shall become effective July 1, 2020.

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

7 57-2-2954 DC 1/16/2020 7:50:04 PM
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25