

BILL ANALYSIS

Senate Research Center
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S.B. 265
By: Ellis
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State law does not directly address the possession and use of sunscreen by students. School districts adopt their own policies concerning medication in schools, which can include bans on the unauthorized possession of over-the-counter (OTC) medication by students, and the Department of State Health Services provides guidelines for the administration of OTC medication in schools. The federal Food and Drug Administration regulates sunscreen as an OTC drug product.

The American Medical Association recently passed a resolution expressing support for the specific exemption of sunscreen from OTC medication possession bans in schools.

S.B. 265 permits a student to possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun.

S.B. 265 also permits school employees to assist an elementary student in applying sunscreen if the school has received a written request from the student's parent.

As proposed, S.B. 265 amends current law relating to student use of sunscreen products in public schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.021, as follows:

Sec. 38.021. USE OF SUNSCREEN PRODUCTS. (a) Authorizes a student to possess and use a topical screen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use.

(b) Authorizes school personnel to assist an elementary school student in applying a topical sunscreen product if the school has received a written request from the student's parent or person standing in parental relation to the student requesting school personnel to assist the student in applying the product. Provides that this subsection does not require school personnel to assist a student in applying a topical sunscreen product.

(c) Provides that this section does not waive any immunity from liability of a school district, its board of trustees, or its employees or create any liability for or a cause of action against a school district, its board of trustees, or its employees.

SECTION 2. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 3. Effective date: upon passage or September 1, 2015.