

PUBLIC SCHOOL CODE OF 1949 - SUN PROTECTION OF STUDENTS AND
APPLICATION OF NONPRESCRIPTION SUNSCREEN

Act of Oct. 24, 2018, P.L. 688, No. 105

Cl. 24

Session of 2018

No. 2018-105

HB 1228

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in school health services, providing for sun protection of students, including the application of nonprescription sunscreen.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1414.10. Sun Protection Measures for Students.--

(a) A school entity shall allow the following during school hours, at a school-sponsored activity or while under the supervision of school personnel:

(1) The outdoor use by a student of sun-protective clothing, including, but not limited to, a hat. Nothing in this clause shall be construed to prevent a school entity from prohibiting certain clothing or hats based on the inappropriateness of the graphics, color or message of the clothing or hats.

(2) Except as provided under subsection (b), the possession, application or use by a student of a nonaerosol topical sunscreen product without a physician's note or prescription if:

(i) The nonaerosol topical sunscreen product is approved by the Food and Drug Administration for over-the-counter use for the purpose of limiting ultraviolet light-induced skin damage.

(ii) The parent or guardian of the student submits a form provided by the school entity to the appropriate school personnel which attests to the following:

(A) The school entity is not responsible for ensuring that the nonaerosol topical sunscreen product is applied by the student.

(B) The student has demonstrated to the parent or guardian that the student is capable of self-applying the nonaerosol topical sunscreen product.

(iii) The student submits a form provided by the school entity to the appropriate school personnel which attests to the following:

(A) The student knows the proper method of self-applying the nonaerosol topical sunscreen product.

(B) The student knows the proper safety precautions for the handling and disposal of the nonaerosol topical sunscreen product.

(b) The Department of Education shall develop model forms that school entities may use to satisfy the requirements under subsection (a) (2) (ii) and (iii).

(c) The following apply:

(1) A school entity may revoke or restrict the possession, application or use of a nonaerosol topical sunscreen product by a student if any of the following occurs:

(i) The student fails to comply with school rules concerning the possession, application or use of the nonaerosol topical sunscreen product.

(ii) The student shows an unwillingness or inability to safeguard the nonaerosol topical sunscreen product from access by other students.

(2) If a school entity revokes or restricts the possession, application or use of a nonaerosol topical sunscreen product by a student under clause (1), the school entity shall provide written notice of the revocation or restriction to the student's parent or guardian.

(d) For purposes of this section, the following terms shall have the following meanings:

"School entity." A school district, intermediate unit, charter school or area vocational-technical school.

Section 2. This act shall take effect in 60 days.

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF