

# HOUSE BILL 427

F1, J1

8lr1578  
CF SB 217

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By: Delegates K. Young, Barkley, Barron, Barve, Brooks, Carr, Cullison, Ebersole, Gibson, Gutierrez, Hettleman, Hill, Korman, Krebs, Lisanti, Luedtke, McMillan, Miele, Pendergrass, Proctor, Robinson, Rose, Sample-Hughes, Turner, Vogt, M. Washington, and West

Introduced and read first time: January 24, 2018

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Sunscreen Use – Policy**

3 FOR the purpose of requiring each county board of education to adopt a certain written  
4 policy to authorize a student to possess and use sunscreen on school property or at a  
5 school-sponsored activity without written permission from a health care provider;  
6 requiring a certain policy to allow certain public school employees to apply or assist  
7 a student in applying sunscreen under certain circumstances; providing that a  
8 student may only use sunscreen provided by the student's parent or guardian;  
9 providing that public schools and public school employees that assist a student in  
10 the application of sunscreen according to a certain policy cannot be held liable for  
11 certain outcomes; requiring each county board to encourage public schools to educate  
12 students about certain policies and sun safety measures; defining a certain term; and  
13 generally relating to a policy for public school student sunscreen use.

14 BY adding to  
15 Article – Education  
16 Section 7-441  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2017 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Education**

22 **7-441.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SECTION, "SUNSCREEN" MEANS A TOPICAL SUNSCREEN  
2 PRODUCT THAT IS:

3 (1) USED TO PREVENT THE EFFECTS OF OVEREXPOSURE TO THE SUN  
4 AND NOT FOR MEDICAL TREATMENT OF AN INJURY OR ILLNESS; AND

5 (2) APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION  
6 FOR OVER-THE-COUNTER USE.

7 (B) (1) EACH COUNTY BOARD SHALL ADOPT A WRITTEN POLICY  
8 AUTHORIZING A STUDENT TO POSSESS AND USE SUNSCREEN ON SCHOOL PROPERTY  
9 OR AT A SCHOOL-SPONSORED ACTIVITY WITHOUT WRITTEN PERMISSION FROM A  
10 HEALTH CARE PROVIDER.

11 (2) THE POLICY SHALL ALLOW, IF AUTHORIZED BY A STUDENT'S  
12 PARENT OR GUARDIAN, A PUBLIC SCHOOL EMPLOYEE TO:

13 (I) APPLY SUNSCREEN TO A STUDENT WHO IS UNABLE TO  
14 SELF-APPLY IT; OR

15 (II) ASSIST A STUDENT IN THE APPLICATION OF SUNSCREEN.

16 (C) A STUDENT MAY ONLY USE SUNSCREEN SUPPLIED BY THE STUDENT'S  
17 PARENT OR GUARDIAN.

18 (D) A PUBLIC SCHOOL, OR A PUBLIC SCHOOL EMPLOYEE WHO APPLIES OR  
19 ASSISTS A STUDENT WITH THE APPLICATION OF SUNSCREEN IN ACCORDANCE WITH  
20 THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, MAY NOT BE  
21 HELD LIABLE FOR:

22 (1) AN ADVERSE REACTION SUFFERED BY THE STUDENT RESULTING  
23 FROM THE USE OF SUNSCREEN; OR

24 (2) THE EFFECTS OF DISCONTINUING THE APPLICATION OF THE  
25 SUNSCREEN AT ANY TIME.

26 (E) EACH COUNTY BOARD SHALL ENCOURAGE PUBLIC SCHOOLS TO  
27 EDUCATE STUDENTS ABOUT SUNSCREEN, SUN SAFETY, AND THE POLICY  
28 ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
30 1, 2018.