

Chapter 33

(House Bill 427)

AN ACT concerning

Public Schools – Student Sunscreen Use – Policy

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

BY adding to

Article – Education

Section 7-441

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

7-441.

(A) IN THIS SECTION, “SUNSCREEN” MEANS A TOPICAL SUNSCREEN PRODUCT THAT IS:

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

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

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

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

~~(i) APPLY SUNSCREEN TO A STUDENT WHO IS UNABLE TO SELF APPLY IT; OR~~

~~(ii) ASSIST A STUDENT IN THE APPLICATION OF SUNSCREEN.~~

~~(c) A STUDENT MAY ONLY USE SUNSCREEN SUPPLIED BY THE STUDENT'S PARENT OR GUARDIAN.~~

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

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

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

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

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

Approved by the Governor, April 10, 2018.