

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2339

By: Roberts (Sean)

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to schools; amending 70 O.S. 2011,  
10                   Section 1-116.2, as amended by Section 1, Chapter  
11                   192, O.S.L. 2018 (70 O.S. Supp. 2018, Section 1-  
12                   116.2), which relates to application of medication to  
13                   students; prohibiting certain vaccinations without  
14                   prior authorization; and providing an effective date.

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

16                   SECTION 1.            AMENDATORY           70 O.S. 2011, Section 1-116.2, as  
17                   amended by Section 1, Chapter 192, O.S.L. 2018 (70 O.S. Supp. 2018,  
18                   Section 1-116.2), is amended to read as follows:

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

- 23                   1. Administer a nonprescription medicine;  
24                   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

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. A student shall not be vaccinated at school or on school  
9 grounds or receive a vaccine as part of the mobile vaccination  
10 effort without prior written authorization, including the signature  
11 of the parent or legal guardian of the student for each vaccine  
12 given.

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

21 SECTION 2. This act shall become effective November 1, 2019.

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23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/21/2019 -  
24 DO PASS, As Amended.