
SUBSTITUTE SENATE BILL 5404

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Rivers, Llias, Zeiger, Wellman, Keiser, Fain, Kuderer, and Carlyle)

READ FIRST TIME 02/16/17.

1 AN ACT Relating to sunscreen in schools; amending RCW
2 28A.210.260; adding a new section to chapter 28A.210 RCW; creating
3 new sections; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210
6 RCW to read as follows:

7 (1) Any person, including students, parents, and school
8 personnel, may possess topical sunscreen products to help prevent
9 sunburn while on school property, at a school-related event or
10 activity, or at summer camp. As excepted in RCW 28A.210.260, a
11 sunscreen product may be possessed and applied under this section
12 without the prescription or note of a licensed health care
13 professional if the product is regulated by the United States food
14 and drug administration for over-the-counter use. For student use, a
15 sunscreen product must be supplied by a parent or guardian.

16 (2) Schools are encouraged to educate students about sun safety
17 guidelines.

18 (3) Nothing in this section requires school personnel to assist
19 students in applying sunscreen.

1 (4) As used in this section, "school" means a public school,
2 school district, educational service district, or private school with
3 any of grades kindergarten through twelve.

4 **Sec. 2.** RCW 28A.210.260 and 2013 c 180 s 1 are each amended to
5 read as follows:

6 Public school districts and private schools which conduct any of
7 grades kindergarten through the twelfth grade may provide for the
8 administration of oral medication, topical medication, eye drops, ear
9 drops, or nasal spray, of any nature to students who are in the
10 custody of the school district or school at the time of
11 administration, but are not required to do so by this section,
12 subject to the following conditions:

13 (1) The board of directors of the public school district or the
14 governing board of the private school or, if none, the chief
15 administrator of the private school shall adopt policies which
16 address the designation of employees who may administer oral
17 medications, topical medications, eye drops, ear drops, or nasal
18 spray to students, the acquisition of parent requests and
19 instructions, and the acquisition of requests from licensed health
20 professionals prescribing within the scope of their prescriptive
21 authority and instructions regarding students who require medication
22 for more than fifteen consecutive school days, the identification of
23 the medication to be administered, the means of safekeeping
24 medications with special attention given to the safeguarding of
25 legend drugs as defined in chapter 69.41 RCW, and the means of
26 maintaining a record of the administration of such medication;

27 (2) The board of directors shall seek advice from one or more
28 licensed physicians or nurses in the course of developing the
29 foregoing policies;

30 (3) The public school district or private school is in receipt of
31 a written, current and unexpired request from a parent, or a legal
32 guardian, or other person having legal control over the student to
33 administer the medication to the student;

34 (4) The public school district or the private school is in
35 receipt of (a) a written, current and unexpired request from a
36 licensed health professional prescribing within the scope of his or
37 her prescriptive authority for administration of the medication, as
38 there exists a valid health reason which makes administration of such
39 medication advisable during the hours when school is in session or

1 the hours in which the student is under the supervision of school
2 officials, and (b) written, current and unexpired instructions from
3 such licensed health professional prescribing within the scope of his
4 or her prescriptive authority regarding the administration of
5 prescribed medication to students who require medication for more
6 than fifteen consecutive workdays;

7 (5) The medication is administered by an employee designated by
8 or pursuant to the policies adopted pursuant to subsection (1) of
9 this section and in substantial compliance with the prescription of a
10 licensed health professional prescribing within the scope of his or
11 her prescriptive authority or the written instructions provided
12 pursuant to subsection (4) of this section. If a school nurse is on
13 the premises, a nasal spray that is a legend drug or a controlled
14 substance must be administered by the school nurse. If no school
15 nurse is on the premises, a nasal spray that is a legend drug or a
16 controlled substance may be administered by a trained school employee
17 or parent-designated adult who is not a school nurse. The board of
18 directors shall allow school personnel, who have received appropriate
19 training and volunteered for such training, to administer a nasal
20 spray that is a legend drug or a controlled substance. After a school
21 employee who is not a school nurse administers a nasal spray that is
22 a legend drug or a controlled substance, the employee shall summon
23 emergency medical assistance as soon as practicable;

24 (6) The medication is first examined by the employee
25 administering the same to determine in his or her judgment that it
26 appears to be in the original container and to be properly labeled;
27 and

28 (7) The board of directors shall designate a professional person
29 licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it
30 applies to registered nurses and advanced registered nurse
31 practitioners, to delegate to, train, and supervise the designated
32 school district personnel in proper medication procedures;

33 (8)(a) For the purposes of this section, "parent-designated
34 adult" means a volunteer, who may be a school district employee, who
35 receives additional training from a health care professional or
36 expert in epileptic seizure care selected by the parents, and who
37 provides care for the child consistent with the individual health
38 plan.

39 (b) To be eligible to be a parent-designated adult, a school
40 district employee not licensed under chapter 18.79 RCW must file,

1 without coercion by the employer, a voluntary written, current, and
2 unexpired letter of intent stating the employee's willingness to be a
3 parent-designated adult. If a school employee who is not licensed
4 under chapter 18.79 RCW chooses not to file a letter under this
5 section, the employee shall not be subject to any employer reprisal
6 or disciplinary action for refusing to file a letter;

7 (9) The board of directors shall designate a professional person
8 licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to
9 registered nurses and advanced registered nurse practitioners, to
10 consult and coordinate with the student's parents and health care
11 provider, and train and supervise the appropriate school district
12 personnel in proper procedures for care for students with epilepsy to
13 ensure a safe, therapeutic learning environment. Training may also be
14 provided by an epilepsy educator who is nationally certified. Parent-
15 designated adults who are school employees are required to receive
16 the training provided under this subsection. Parent-designated adults
17 who are not school employees must show evidence of comparable
18 training. The parent-designated adult must also receive additional
19 training as established in subsection (8)(a) of this section for the
20 additional care the parents have authorized the parent-designated
21 adult to provide. The professional person designated under this
22 subsection is not responsible for the supervision of the parent-
23 designated adult for those procedures that are authorized by the
24 parents;

25 (10) This section does not apply to topical sunscreen products
26 regulated by the United States food and drug administration for over-
27 the-counter use. Provisions related to possession and application of
28 topical sunscreen products are in section 1 of this act.

29 NEW SECTION. **Sec. 3.** This act does not create any civil
30 liability on the part of the state or any state agency, officer,
31 employee, agent, political subdivision, or school district.

32 NEW SECTION. **Sec. 4.** This act may be known and cited as the
33 student sun safety education act.

34 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

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