

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S2/14/19
A Bill

HOUSE BILL 1167

By: Representatives L. Johnson, Boyd

By: Senator D. Wallace

For An Act To Be Entitled

AN ACT CONCERNING THE USE OF SUNSCREEN; TO PROTECT
THE SKIN HEALTH OF THE STUDENTS OF ARKANSAS; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING THE USE OF SUNSCREEN; AND TO
PROTECT THE SKIN HEALTH OF THE STUDENTS
OF ARKANSAS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Cancer is the second leading cause of death in Arkansas;

(2) Skin cancer, the most common form of cancer in the United

States:

(A) Is caused by overexposure to ultraviolet light; and

(B) Can be prevented by protecting skin from ultraviolet

light;

(3) Melanoma of the skin is the most dangerous form of skin

cancer;

(4) According to American Cancer Society estimates,

approximately sixteen thousand one hundred thirty (16,130) Arkansans will be
diagnosed with cancer in 2018, with six hundred seventy (670) of those
individuals likely to be diagnosed with melanoma of the skin;

(5) Approximately six thousand nine hundred ten (6,910)



Arkansans are estimated to die due to cancer in 2018;

(6) The Centers for Disease Control and Prevention recommends protecting skin from ultraviolet light by:

(A) Staying in the shade;

(B) Wearing:

(i) Clothing that covers the wearer's arms and legs;

(ii) A hat with a wide brim to shade the wearer's face, head, ears, and neck; and

(iii) Sunglasses that wrap around the wearer's eye area and block ultraviolet light; and

(C) Using sunscreen with a sun protection factor of fifteen (SPF 15) or higher with broad spectrum protection from long-wave ultraviolet A (UVA) and short-wave ultraviolet B (UVB) rays;

(7) The Centers for Disease Control and Prevention also recommends applying sunscreen with a sun protection factor of fifteen (SPF 15) or higher before going outside;

(8) Research presented by the Centers for Disease Control and Prevention indicates that even one (1) blistering sunburn during childhood or adolescence can increase a person's chance of developing melanoma of the skin;

(9)(A) Sunscreen is categorized as an over-the-counter drug by the United States Food and Drug Administration.

(B) Many state policies address and restrict administration and use of over-the-counter drugs at school;

(10) Among high school students, only thirteen percent (13%) of girls and seven percent (7%) of boys reported in 2013 that they routinely used a sunscreen with a sun protection factor of fifteen (SPF 15) or higher when they were outside for more than one (1) hour on a sunny day;

(11) Several states, including Alabama, Louisiana, Oklahoma, and Texas, have enacted legislation to address the student use of sunscreen in schools; and

(12) Schools can provide additional protections to the children of this state without creating additional costs.

(b) It is the intent of the General Assembly to allow the use of sunscreen in schools without a physician authorization.

SECTION 2. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended to add an additional section to read as follows:

6-18-714. Use of sunscreen.

(a) A student may possess and use a topical sunscreen to avoid overexposure to the sun without written authorization from a parent, legal guardian, or healthcare professional while on school property or at a school-related event or activity if the sunscreen is approved by the United States Food and Drug Administration for over-the-counter use.

(b) A member of school personnel may assist a student in the application of sunscreen with the permission of a parent or guardian.

(c) This section does not:

(1) Require a member of school personnel to assist a student in the application of sunscreen; or

(2) Create any liability or immunity for a school or a member of school personnel.

(d) The Division of Youth Services of the Department of Human Services is exempt from this section.

/s/L. Johnson

APPROVED: 2/28/19