

BILL ANALYSIS

C.S.S.B. 265
By: Ellis
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to concerned parties, school districts adopt their own policies concerning medication in schools, which can include bans of the unauthorized possession of over-the-counter medication by students. Sunscreen, the parties continue, is regulated as an over-the-counter drug product, which can mean that some children have inadequate access to this valuable product. C.S.S.B. 265 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 265 amends the Education Code to authorize a student to possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. The bill expressly does not waive any immunity from liability of a school district, its board of trustees, or its employees nor create any liability for or a cause of action against a school district, its board of trustees, or its employees. The bill's provisions apply beginning with the 2015–2016 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 265 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.021 to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.021 to read as follows:

Sec. 38.021. USE OF SUNSCREEN PRODUCTS. (a) A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use.

(b) School personnel may assist an elementary school student in applying a topical sunscreen product if the school has received a written request from the student's parent or person standing in parental relation to the student requesting school personnel to assist the student in applying the product. This subsection does not require school personnel to assist a student in applying a topical sunscreen product.

(c) This section does not:

(1) waive any immunity from liability of a school district, its board of trustees, or its employees; or

(2) create any liability for or a cause of action against a school district, its board of trustees, or its employees.

SECTION 2. This Act applies beginning with the 2015-2016 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Sec. 38.021. USE OF SUNSCREEN PRODUCTS. (a) A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use.

(b) This section does not:

(1) waive any immunity from liability of a school district, its board of trustees, or its employees; or

(2) create any liability for or a cause of action against a school district, its board of trustees, or its employees.

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.