



Model Legislation

1 In the General Assembly State of _____

2 **“Reducing the Risk of Skin Cancer and Excessive UV Exposure in Children Act”**

3 **Section 1. Title.** This act shall be known as and may be cited as “SUNucate” or the “Reducing
4 the Risk of Skin Cancer and Excessive UV Exposure in Children Act”

5 **Section 2. Purpose.** The legislature hereby finds and declares that:

- 6 (a) Many children are exposed to UV radiation due to suboptimal sunscreen use and
7 high rates of sunburning, and therefore at risk of excessive UV exposure which could
8 lead to skin cancer development. It is a high priority to ensure that children can use
9 sunscreen and sun-protective clothing when outdoors.
- 10 (b) News outlets have reported that some schools do not allow children to bring or use
11 sunscreen without a prescription due to “medication bans” and fears of legal
12 ramifications.
- 13 (c) The Centers for Disease Control and Prevention believes that school policies that
14 prohibit hats or student possession of sunscreen can create barriers to the use of
15 important sun protection methods.
- 16 (d) The United States Preventive Services Task Force recommends educating children,
17 adolescents and young adults on the dangers of sun exposure to reduce the risk of
18 skin cancer.
- 19 (e) It is in the public’s interest that schools set policies that include education on sun
20 exposure and encourage our youth to use sun protection, including sunscreen and
21 sun-protective clothing.

22 **Section 3. Sun-Protective Measures in Schools and Youth Camps.**

- 23 (a) A student may possess and use a topical sunscreen product while on school property
24 or at a school-sponsored event or activity without a physician’s note or prescription
25 if the product is regulated by the federal Food and Drug Administration for over-the-
26 counter use for the purpose of limiting ultraviolet light-induced skin damage.
- 27 (b) A participant in a youth camp may possess and use a topical sunscreen product
28 while attending such camp without a physician’s note or prescription if the product
29 is regulated by the federal Food and Drug administration for over-the-counter use
30 for the purpose of limiting ultraviolet light-induced skin damage.

***Drafting Note – RE: Application of Sunscreen by School or Camp Personnel.** States may choose to change sections (c) and (d) with alternate language that ensures that children who are unable to self-apply sunscreen have assistance provided by appropriate school or camp personnel with parental permission.*

- 31 (c) A school district or youth camp operator may allow school or youth camp personnel
32 to assist students in applying a topical sunscreen product with parental permission.
- 33 (d) School or youth camp personnel may not be held liable in a criminal action or for
34 civil damages for application of a topical sunscreen product if the topical sunscreen
35 product is available to and used by the student or camp participant in accordance
36 with this section.
- 37 (e) Each school or camp shall allow for outdoor use articles of sun-protective clothing,
38 including, but not limited to, hats and/or sunglasses.
- 39 i. Schools and youth camps may set a policy related to the type of sun-protective
40 clothing, including, but not limited to, hats and/or sunglasses, that will be
41 allowed to be used outdoors pursuant to paragraph (e). Specific clothing, hats
42 and sunglasses, determined by school or youth camp personnel to be
43 inappropriate apparel, may be prohibited by the dress code policy.

Drafting Note – RE: Optional Section – Sun-Safe Education. States may choose to implement a plan for public schools to raise awareness on skin cancer prevention. The following language is recommended:

Section 4. Sun-Safe Education.

- (a) All public schools may incorporate instruction in the common school grades utilizing existing, free resources on skin cancer prevention. The instruction shall be provided in an age appropriate manner and shall include the following components:
- i. The basic facts about skin cancer, including the negative impact of human exposure to ultraviolet radiation obtained through sunburns and indoor tanning.
 - ii. A comprehensive set of strategies and behaviors to reduce the risk of contracting skin cancer, including the use of sunscreen and sun-protective clothing.

Drafting Note – RE: Optional Section – Sunscreen Tax Exemption. States may choose to implement a provision to exempt sunscreen from sales tax.

44 **Section 5. Effective.** This act shall become effective immediately upon being enacted into law.