

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/14/19

# A Bill

HOUSE BILL 1167

5 By: Representatives L. Johnson, Boyd  
6 By: Senator D. Wallace  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE USE OF SUNSCREEN; TO PROTECT  
10 THE SKIN HEALTH OF THE STUDENTS OF ARKANSAS; AND FOR  
11 OTHER PURPOSES.  
12  
13

### Subtitle

15 CONCERNING THE USE OF SUNSCREEN; AND TO  
16 PROTECT THE SKIN HEALTH OF THE STUDENTS  
17 OF ARKANSAS.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

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

23 (a) The General Assembly finds that:

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

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

26 States:

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

28 (B) Can be prevented by protecting skin from ultraviolet

29 light;

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

31 cancer;

32 (4) According to American Cancer Society estimates,

33 approximately sixteen thousand one hundred thirty (16,130) Arkansans will be

34 diagnosed with cancer in 2018, with six hundred seventy (670) of those

35 individuals likely to be diagnosed with melanoma of the skin;

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



1 Arkansans are estimated to die due to cancer in 2018;

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

4 (A) Staying in the shade;

5 (B) Wearing:

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

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

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

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

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

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

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

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

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

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

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

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

36

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

3 6-18-714. Use of sunscreen.

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

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

11 (c) This section does not:

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

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

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

18  
19  
20 /s/L. Johnson

21  
22  
23 **APPROVED: 2/28/19**  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36