**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4347**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Gatch, Felder, Ott and Allison

Document Path: l:\council\bills\rt\17032wab21.docx

Introduced in the House on May 6, 2021

Currently residing in the House Committee on **Education and Public Works**

Summary: Sunscreen in schools and camps

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/6/2021 House Introduced and read first time ([House Journal‑page 4](file:///h:\hj\20210506.docx))

5/6/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 4](file:///h:\hj\20210506.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4347&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[5/6/2021](file:///p:\pprever\2021-22\4347_20210506.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑85 SO AS TO PROVIDE PUBLIC SCHOOLS MAY ALLOW STUDENTS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY AND AT SCHOOL‑SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE PUBLIC SCHOOLS MAY ADOPT POLICIES ALLOWING STUDENTS TO USE ARTICLES OF SUN‑PROTECTIVE CLOTHING, TO PROVIDE SCHOOL DISTRICTS MAY ALLOW SCHOOL PERSONNEL TO ASSIST STUDENTS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO SCHOOLS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT; AND BY ADDING SECTION 63‑13‑220 SO AS TO PROVIDE DAY CAMPS REGULATED BY THE DEPARTMENT OF SOCIAL SERVICES MAY ALLOW CAMPERS TO POSSESS AND USE CERTAIN SUNSCREEN ON SCHOOL PROPERTY OR AT SCHOOL‑SPONSORED EVENTS WITH PARENTAL CONSENT, TO DEFINE NECESSARY TERMS, TO PROVIDE THESE DAY CAMPS MAY ADOPT POLICIES ALLOWING CAMPERS TO USE ARTICLES OF SUN‑PROTECTIVE CLOTHING, TO PROVIDE THESE DAY CAMPS MAY ALLOW THEIR PERSONNEL TO ASSIST CAMPERS IN APPLYING SUNSCREEN WITH WRITTEN PARENTAL CONSENT, TO PROVIDE CIVIL LIABILITY PROTECTIONS FOR GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS ACT, TO PROVIDE FOR THE CONSTRUCTION OF THIS ACT, AND TO PROVIDE THE STATE DEPARTMENT OF SOCIAL SERVICES SHALL PROVIDE CERTAIN RELATED ASSISTANCE AND GUIDANCE TO DAY CAMPS CONCERNING THE ADMINISTRATION OF APPLICABLE PROVISIONS OF THIS ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59‑63‑85. (A) As used in this section:

(1) ‘School’ means a public or charter school.

(2) ‘Sunscreen’ means a topical, nonaerosol product regulated by the United States Food and Drug Administration for over‑the‑counter use for the purpose of limiting ultraviolet light‑induced skin damage. Sunscreen does not include prescription medication.

(B) Public schools may allow students, with parental consent, to possess and use sunscreen while on school property or at a school‑sponsored event or activity without being required to have a physician’s note or prescription and without having to store the sunscreen at a particular location on the school property.

(C) A public school may adopt a policy to allow for outdoor use of articles of sun‑protective clothing while on school property or at school‑sponsored events, including hats, sunglasses, and other articles of clothing the school considers appropriate. A school that adopts such a policy may allow outdoor use of articles of sun‑protective clothing by students pursuant to its policy.

(D) A school district may allow school personnel to assist a student in applying sunscreen if the school has written consent from the student’s parent or guardian.

(E) A school and its personnel are immune from civil liability for any actions taken in good faith compliance with the provisions of this section. This civil immunity does not apply to an act or omission that constitutes gross negligence or wilful, wanton, or intentional misconduct.

(F) The provisions of this section may not be construed to:

(1) require school personnel to assist students in applying a topical sunscreen product; or

(2) prohibit a school from otherwise allowing a topical, aerosol sunscreen product under school policy.

(G) The State Department of Education shall provide assistance and guidance to schools concerning the administration of this section.”

SECTION 2. Article 1, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63‑13‑220. (A) As used in this section:

(1) ‘Day camp’ or ‘camp’ means a school vacation camp or school holiday camp for children that is not exempt from regulation by the Department of Social Services pursuant to Section 63‑13‑20(4)(e).

(2) ‘Camper’ means a child attending a day camp.

(3) ‘Sunscreen’ means a topical, nonaerosol product regulated by the United States Food and Drug Administration for over‑the‑counter use for the purpose of limiting ultraviolet light‑induced skin damage. Sunscreen does not include prescription medication.

(B) A camper may, with written consent from his parent or guardian, possess and use sunscreen while on camp property or at a camp‑sponsored event or activity without being required to have a physician’s note or prescription and without having to store the sunscreen at a particular location on camp property.

(C) A day camp may adopt a policy to allow for outdoor use of articles of sun‑protective clothing, including hats, sunglasses, and other articles of clothing the camp considers appropriate. A day camp that adopts such a policy may allow campers outdoor use of articles of sun‑protective clothing pursuant to its policy.

(D) A day camp may allow its personnel to assist a camper in applying sunscreen if the camp has written consent from the parent or guardian of the camper.

(E) A day camp and its personnel are immune from civil liability for any actions taken in good faith compliance with the provisions of this section. This civil immunity does not apply to an act or omission that constitutes gross negligence or wilful, wanton, or intentional misconduct.

(F) The provisions of this section may not be construed to:

(1) require day camp personnel to assist campers in applying a topical sunscreen product; or

(2) prohibit a day camp from otherwise allowing a topical, aerosol sunscreen product under camp policy.

(G) The department shall provide assistance and guidance to day camps concerning the administration of this section.”

SECTION 3. This act takes effect upon approval by the Governor.

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