

HOUSE BILL No. 4895

September 6, 2017, Introduced by Rep. Hertel and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1180.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1180. (1) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE
2 SCHOOL DISTRICT OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL
3 ACADEMY SHALL NOT ADOPT OR IMPLEMENT, AND SHALL ENSURE THAT A
4 SCHOOL OFFICIAL OR EMPLOYEE UNDER ITS CONTROL AND DIRECTION DOES
5 NOT ADOPT OR IMPLEMENT, A POLICY OR PRACTICE THAT PROHIBITS OR
6 RESTRICTS A PUPIL'S POSSESSION OF SUNSCREEN AT SCHOOL OR
7 APPLICATION OF SUNSCREEN ON HIMSELF OR HERSELF AT SCHOOL.

8 (2) EXCEPT AS IS NECESSARY TO MAINTAIN ORDER AND CONTROL AT
9 SCHOOL FOR THE PURPOSE OF PROVIDING AN ENVIRONMENT CONDUCTIVE TO

1 SAFETY AND LEARNING, A SCHOOL OFFICIAL OR EMPLOYEE OF A PUBLIC
2 SCHOOL SHALL NOT PROHIBIT OR RESTRICT A PUPIL'S POSSESSION OF
3 SUNSCREEN AT SCHOOL OR APPLICATION OF SUNSCREEN ON HIMSELF OR
4 HERSELF AT SCHOOL.

5 (3) A PUBLIC SCHOOL, MEMBER OF A SCHOOL BOARD OR INTERMEDIATE
6 SCHOOL BOARD, MEMBER OF A BOARD OF DIRECTORS, OR EMPLOYEE OR
7 OFFICIAL OF OR VOLUNTEER FOR A PUBLIC SCHOOL IS NOT LIABLE FOR
8 DAMAGES IN A CIVIL ACTION FOR INJURY, DEATH, OR LOSS TO PERSON OR
9 PROPERTY ALLEGEDLY ARISING FROM A PERSON ACTING UNDER THIS SECTION.
10 THIS SUBSECTION DOES NOT ELIMINATE, LIMIT, OR REDUCE ANY OTHER
11 IMMUNITY OR DEFENSE THAT A PERSON LISTED IN THIS SUBSECTION MAY
12 HAVE UNDER OTHER STATE LAW.

13 (4) AS USED IN THIS SECTION:

14 (A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL
15 PROPERTY, ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE, OR AT A
16 SCHOOL-SPONSORED ACTIVITY OR EVENT WHETHER OR NOT IT IS HELD ON
17 SCHOOL PROPERTY.

18 (B) "SUNSCREEN" MEANS A LOTION, SPRAY, GEL, OR OTHER TOPICAL
19 PRODUCT THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG
20 ADMINISTRATION FOR THE PURPOSE OF ABSORBING OR REFLECTING SOME OF
21 THE SUN'S ULTRAVIOLET RADIATION ON THE SKIN EXPOSED TO SUNLIGHT AND
22 SO HELPS PROTECT AGAINST SUNBURN. A LOTION, SPRAY, GEL, OR OTHER
23 TOPICAL PRODUCT USED FOR A DIFFERENT PURPOSE, INCLUDING, BUT NOT
24 LIMITED TO, THE MEDICAL TREATMENT OF AN INJURY OR ILLNESS, IS NOT
25 CONSIDERED SUNSCREEN UNDER THIS SECTION.

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.