

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 2339

By: Roberts (Sean) and McDugle
of the House

4 and

5 Standridge of the Senate

6
7
8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 1-116.2, as amended by Section 1, Chapter
10 192, O.S.L. 2018 (70 O.S. Supp. 2018, Section 1-
11 116.2), which relates to application of medication to
12 students; prohibiting certain vaccinations without
13 prior authorization; and providing an effective date.

14 AUTHOR: Add the following Senate Coauthors: Murdock, Newhouse and
15 Dahm

16 AUTHOR: Add the following House Coauthors: West (Kevin) and
17 Randleman

18 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
19 entire bill and insert

20 "An Act relating to schools; amending 70 O.S. 2011,
21 Section 1-116.2, as amended by Section 1, Chapter
22 192, O.S.L. 2018 (70 O.S. Supp. 2018, Section 1-
23 116.2), which relates to application of medication to
24 students; prohibiting certain vaccinations without
prior authorization; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 1-116.2, as
2 amended by Section 1, Chapter 192, O.S.L. 2018 (70 O.S. Supp. 2018,
3 Section 1-116.2), is amended to read as follows:

4 Section 1-116.2 A. A school nurse, or in the absence of such
5 nurse, an administrator or designated school employees, pursuant to
6 the written authorization of the parent or guardian of the student,
7 may:

- 8 1. Administer a nonprescription medicine;
- 9 2. Assist a student in applying sunscreen, a compound topically
10 applied to prevent a sunburn; and
- 11 3. Administer a filled prescription medicine as that term is
12 defined by Section 353.1 of Title 59 of the Oklahoma Statutes
13 pursuant to the directions for the administration of the medicine
14 listed on the label or as otherwise authorized by a licensed
15 physician.

16 B. In addition to the persons authorized to administer
17 nonprescription medicine and filled prescription medicine pursuant
18 to the provisions of subsection A of this section, a nurse employed
19 by a county health department and subject to an agreement made
20 between the county health department and the school district for
21 medical services, may administer nonprescription medicine and filled
22 prescription medicine pursuant to the provisions of this section.

23 C. Each school in which any medicine is administered pursuant
24 to the provisions of subsection A of this section shall keep a

1 record of the name of the student to whom the medicine was
2 administered, the date the medicine was administered, the name of
3 the person who administered the medicine and the type or name of the
4 medicine which was administered.

5 D. Medicine to be administered by the county or school nurse,
6 administrator or the designated persons and which is stored at the
7 school shall be properly stored and not readily accessible to
8 persons other than the persons who will administer the medication.

9 E. 1. A public school shall permit a student to possess and
10 self-apply sunscreen that is regulated by the Food and Drug
11 Administration without the written authorization of a parent, legal
12 guardian or physician.

13 2. As used in this subsection, "sunscreen" means a compound
14 topically applied to prevent sunburn.

15 F. The school shall keep on file the written authorization of
16 the parent or guardian of the student to administer medicine to the
17 student or to apply sunscreen on the student.

18 G. As provided in the Parents' Bill of Rights, a student shall
19 not be vaccinated at school or on school grounds or receive a
20 vaccine as part of the mobile vaccination effort without prior
21 written authorization, including the signature of the parent or
22 legal guardian of the student for the vaccine or group of vaccines
23 to be administered during a single visit.

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8 Section 1-116.2, as amended by Section 1, Chapter
9 192, O.S.L. 2018 (70 O.S. Supp. 2018, Section 1-
10 116.2), which relates to application of medication to
11 students; prohibiting certain vaccinations without
12 prior authorization; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 3. AMENDATORY 70 O.S. 2011, Section 1-116.2, as
15 amended by Section 1, Chapter 192, O.S.L. 2018 (70 O.S. Supp. 2018,
16 Section 1-116.2), is amended to read as follows:

17 Section 1-116.2 A. A school nurse, or in the absence of such
18 nurse, an administrator or designated school employees, pursuant to
19 the written authorization of the parent or guardian of the student,
20 may:

- 21 1. Administer a nonprescription medicine;
- 22 2. Assist a student in applying sunscreen, a compound topically
23 applied to prevent a sunburn; and
- 24 3. Administer a filled prescription medicine as that term is
defined by Section 353.1 of Title 59 of the Oklahoma Statutes

1 pursuant to the directions for the administration of the medicine
2 listed on the label or as otherwise authorized by a licensed
3 physician.

4 B. In addition to the persons authorized to administer
5 nonprescription medicine and filled prescription medicine pursuant
6 to the provisions of subsection A of this section, a nurse employed
7 by a county health department and subject to an agreement made
8 between the county health department and the school district for
9 medical services, may administer nonprescription medicine and filled
10 prescription medicine pursuant to the provisions of this section.

11 C. Each school in which any medicine is administered pursuant
12 to the provisions of subsection A of this section shall keep a
13 record of the name of the student to whom the medicine was
14 administered, the date the medicine was administered, the name of
15 the person who administered the medicine and the type or name of the
16 medicine which was administered.

17 D. Medicine to be administered by the county or school nurse,
18 administrator or the designated persons and which is stored at the
19 school shall be properly stored and not readily accessible to
20 persons other than the persons who will administer the medication.

21 E. 1. A public school shall permit a student to possess and
22 self-apply sunscreen that is regulated by the Food and Drug
23 Administration without the written authorization of a parent, legal
24 guardian or physician.

1 2. As used in this subsection, "sunscreen" means a compound
2 topically applied to prevent sunburn.

3 F. The school shall keep on file the written authorization of
4 the parent or guardian of the student to administer medicine to the
5 student or to apply sunscreen on the student.

6 G. A student shall not be vaccinated at school or on school
7 grounds or receive a vaccine as part of the mobile vaccination
8 effort without prior written authorization, including the signature
9 of the parent or legal guardian of the student for each vaccine
10 given.

11 H. A school nurse, county nurse, administrator or the
12 designated school employees shall not be liable to the student or a
13 parent or guardian of the student for civil damages for any personal
14 injuries to the student which result from acts or omissions of the
15 school or county nurse, administrator or designated school employees
16 in administering any medicine pursuant to the provisions of this
17 section. This immunity shall not apply to acts or omissions
18 constituting gross, willful or wanton negligence.

19 SECTION 4. This act shall become effective November 1, 2019.
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1 Passed the House of Representatives the 12th day of March, 2019.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2019.

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9 Presiding Officer of the Senate