

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 2339, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Standridge

Standridge-DC-FS-Req#2226
4/16/2019 2:27 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2339

By: Roberts (Sean), McDugle,
West (Kevin) and Randleman
of the House

6 and

7 Standridge, Murdock,
8 Newhouse and Dahm of the
Senate

9
10
11 FLOOR SUBSTITUTE

12 An Act relating to schools; amending 70 O.S. 2011,
13 Section 1-116.2, as amended by Section 1, Chapter
14 192, O.S.L. 2018 (70 O.S. Supp. 2018, Section 1-
15 116.2), which relates to application of medication to
16 students; prohibiting certain vaccinations without
17 prior authorization; and providing an effective date.

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

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

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

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

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

16 C. Each school in which any medicine is administered pursuant
17 to the provisions of subsection A of this section shall keep a
18 record of the name of the student to whom the medicine was
19 administered, the date the medicine was administered, the name of
20 the person who administered the medicine and the type or name of the
21 medicine which was administered.

22 D. Medicine to be administered by the county or school nurse,
23 administrator or the designated persons and which is stored at the

24

1 school shall be properly stored and not readily accessible to
2 persons other than the persons who will administer the medication.

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

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

9 F. The school shall keep on file the written authorization of
10 the parent or guardian of the student to administer medicine to the
11 student or to apply sunscreen on the student.

12 G. As provided in the Parents' Bill of Rights, a student shall
13 not be vaccinated at school or on school grounds or receive a
14 vaccine as part of the mobile vaccination effort without prior
15 written authorization, including the signature of the parent or
16 legal guardian of the student for the vaccine or group of vaccines
17 to be administered during a single visit.

18 H. A school nurse, county nurse, administrator or the
19 designated school employees shall not be liable to the student or a
20 parent or guardian of the student for civil damages for any personal
21 injuries to the student which result from acts or omissions of the
22 school or county nurse, administrator or designated school employees
23 in administering any medicine pursuant to the provisions of this
24

1 section. This immunity shall not apply to acts or omissions
2 constituting gross, willful or wanton negligence.

3 SECTION 2. This act shall become effective November 1, 2019.

4

5 57-1-2226 DC 4/16/2019 2:27:58 PM

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24