

S.187

Introduced by Senators Wrenner and Lyons

Referred to Committee on Transportation

Date: January 3, 2024

Subject: Health; public health; sunscreen use at school; child restraint systems

Statement of purpose of bill as introduced: This bill proposes to allow students to have and apply sunscreen at school with the permission of a parent or guardian. It further proposes to amend the provisions of the existing child restraint system law and also to establish a child restraint system public outreach campaign.

An act relating to student application of sunscreen ~~and student safety~~

It is hereby enacted by the General Assembly of the State of Vermont:

~~*** Possession and Application of Sunscreen in Schools ***~~

Sec. 1. 16 V.S.A. § 1389 is added to read:

§ 1389. POSSESSION AND APPLICATION OF SUNSCREEN

(a) Pursuant to the requirements of this section, each public and approved independent school in the State shall permit students, with the written authorization of a parent or guardian, to possess and self-administer a topical, nonacrosolized sunscreen while on school property or at a school-sponsored

1 ~~event or activity without being required to provide a medical provider's note~~
2 or prescription or having to store the sunscreen in a specific location. A school
3 shall keep on file a parent or guardian's written authorization.

4 (b) A school may adopt policies to allow school personnel to assist a
5 student in applying topical, nonaerosolized sunscreen if written permission
6 from the student's parent or guardian is obtained.

7 (c) School personnel shall not be required to assist students in applying
8 sunscreen and shall not be responsible for ensuring that the sunscreen is
9 applied to the student.

10 (d) School and school personnel shall be immune from civil liability for
11 any actions taken in good faith in reliance on the provisions of this section.
12 This section shall not apply to recklessness or intentional misconduct on the
13 part of the school or school personnel.

14 (e) As used in this section, "sunscreen" means a product regulated by the
15 U.S. Food and Drug Administration for over-the-counter use for the purpose
16 of limiting ultraviolet light-induced skin damage.

17 * * * Child Restraint Systems * * *

18 Sec. 2. 23 V.S.A. § 1258 is amended to read:

19 § 1258. CHILD RESTRAINT SYSTEMS; ~~PERSONS~~ INDIVIDUALS

20 ~~UNDER AGE 18 YEARS OF AGE~~

1 ~~(a) No person individual shall operate a motor vehicle, other than a type I~~
2 school bus, in this State upon a public highway unless every occupant under
3 age 18 years of age is properly restrained in a federally approved child
4 ~~passenger-restraining~~ restraint system as defined in 49 C.F.R. § 571.213, as
5 may be amended, or a federally approved safety belt, as follows:

6 (1) ~~all children, a child~~ under the two years of age of one and all children
7 weighing less than 20 pounds, regardless of age, shall be restrained in a rear-
8 facing position, properly secured in a federally approved child-passenger
9 restraining rear-facing child restraint system with a harness, which shall not be
10 installed in front of an active air bag as those terms are defined in 49 C.F.R.
11 § 571.213, as may be amended, until the child reaches the weight or height
12 limit of the rear-facing child restraint system as set by the manufacturer;

13 (2) ~~a child weighing more than 20 pounds, and who is one year of age~~
14 ~~or older and under the age of eight~~ five years, of age who is not properly
15 secured in a federally approved rear-facing child restraint system in
16 accordance with subdivision (1) of this subsection shall be restrained in a child
17 passenger-restraining system properly secured in a forward-facing federally
18 approved child restraint system with a harness until the child reaches the
19 weight or height limit of the child restraint system as set by the manufacturer;

20 ~~and~~

1 ~~(3) a child under eight years of age who is not properly secured in a~~
2 federally approved child restraint system in accordance with subdivision (1) or
3 (2) of this subsection shall be properly secured in a booster seat, as defined in
4 49 C.F.R. § 571.213, as may be amended;

5 ~~(4) a child eight through under 17 years of age who is not properly~~
6 secured in a federally approved child restraint system in accordance with
7 subdivision (1), (2), or (3) of this subsection shall be restrained in a safety belt
8 system or a child passenger restraining system;

9 ~~(5) a child under 13 years of age shall always, if practical, ride in a rear~~
10 seat of a motor vehicle; and

11 ~~(6) no child shall be secured in a rear-facing child restraint system in the~~
12 front seat of a motor vehicle that is equipped with an active passenger-side
13 airbag unless the airbag is deactivated.

14 ~~(b) A person~~ An individual shall not be adjudicated in violation of this
15 section if:

16 (1) the motor vehicle is regularly used to transport passengers for hire,
17 except a motor vehicle owned or operated by a child care facility;

18 (2) the motor vehicle was manufactured without safety belts; or

19 (3) the ~~person~~ individual has been ordered by an enforcement officer, a
20 firefighter, or an authorized civil authority to evacuate ~~persons~~ individuals

21 ~~from a stricken area.~~

(c) The civil penalty for violation of this section shall be as follows:

- (1) \$25.00 for a first violation;
- (2) \$50.00 for a second violation; and
- (3) \$100.00 for third and subsequent violations.

Sec. 3. CHILD RESTRAINT SYSTEMS; PUBLIC OUTREACH
CAMPAIGN

(a) The Department of Health, in consultation with the Governor's Highway Safety Program, shall implement a public outreach campaign on car seat safety that builds upon the current Be Seat Smart program; utilizes materials on child safety prepared by the U.S. Department of Transportation, Traffic Safety Marketing; is consistent with the recommendations from the American Academy of Pediatrics in the Child Passenger Safety Policy Statement published in 2018; and educates Vermonters on 23 V.S.A. § 1258, as amended by Sec. 2 of this act.

(b) The public outreach campaign shall disseminate information on car seat safety through e-mail; a dedicated web page on car seat safety that is linked through the websites for the Agency of Transportation and the Department of Health; social media platforms; community posting websites; radio, television; and informational materials that can be printed and shall be made available to all pediatricians, obstetricians, and midwives licensed in the State and all Car Seat Inspection Stations in the State.

~~*** Effective Date ***~~

Sec. 4. EFFECTIVE DATE

~~This act shall take effect on July 1, 2024.~~

Sec. 1. 16 V.S.A. § 1389 is added to read:

§ 1389. POSSESSION AND APPLICATION OF SUNSCREEN

(a) Pursuant to the requirements of this section, each public and approved independent school in the State shall permit students, with the written authorization of a parent or guardian, to possess and self-administer a topical, nonaerosolized sunscreen while on school property or at a school-sponsored event or activity without being required to provide a medical provider's note or prescription or having to store the sunscreen in a specific location. A school shall keep on file a parent's or guardian's written authorization.

(b) School personnel shall not be required to assist students in applying sunscreen and shall not be responsible for ensuring that the sunscreen is applied to the student.

(c) The school and school personnel shall be immune from civil liability for any actions taken in good faith in reliance on the provisions of this section. This section shall not apply to recklessness or intentional misconduct on the part of the school or school personnel.

(d) As used in this section, "sunscreen" means a product regulated by the U.S. Food and Drug Administration for over-the-counter use for the purpose of limiting ultraviolet-light-induced skin damage.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2024.