

**TESTIMONY ON 20 – H 7123
RELATING TO EDUCATION – HEALTH AND SAFETY OF PUPILS
February 5, 2020**

The ACLU fully agrees with what should be the uncontroversial notion embodied by this bill – that students in school should be allowed to possess and use sunscreen without fear of punishment. However, the Committee should be questioning why a bill like this is necessary in the first place.

We believe this legislation seeks to put a Band-Aid on a much larger issue created by the regulations that the Departments of Health and Education have promulgated. Those regulations give school districts the authority to develop protocols and procedures for students to carry and self-administer over-the-counter medications as long as they have “parental authorization,” but even that authority is purely discretionary. School officials are free, for example, to require a 17-year-old high school student to submit written permission from a parent to bring Midol to school – or be barred entirely from bringing it.

Allowing students to possess and use sunscreen while on school property or during events and activities is important for health and safety reasons; however, the fact that the same student could be punished for bringing *sunburn* lotion demonstrates the absurdity of the current situation.

For these reasons, the ACLU hopes that this committee can re-evaluate the broader issue that this legislation raises and consider enacting a more expansive bill that addresses the problems caused by state regulations that essentially treat sunscreen lotion, Midol and Tums the same as Xanax and codeine cough syrup. Two years ago, this committee did that by approving a bill, 18-H 7570A, sponsored by Rep. Donovan, which will be reintroduced this session. We urge the committee to do the same this year.