

# An Act

ENROLLED HOUSE  
BILL NO. 2339

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

and

Standridge, Murdock  
Newhouse, Dahm and  
Bergstrom of the Senate

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

SUBJECT: Administering medication and vaccinations to children

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

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

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

1. Administer a nonprescription medicine;
2. Assist a student in applying sunscreen, a compound topically applied to prevent a sunburn; and

3. Administer a filled prescription medicine as that term is defined by Section 353.1 of Title 59 of the Oklahoma Statutes pursuant to the directions for the administration of the medicine listed on the label or as otherwise authorized by a licensed physician.

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 23rd day of May, 2019.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 24th day of April, 2019.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_