

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2134**

Carter Floor Amendment

1. Permits a child who attends a child care facility or child care group home to use and possess an FDA approved topical sunscreen without a note or prescription.
2. Allows an employee or volunteer of a child care facility or child care group home to assist in the application of a topical sunscreen if written parental consent is given.
3. Provides immunity from civil liability, in the absence of gross negligence, wilful misconduct or intentional wrongdoing to:
 - a. Child care facilities and child care group homes; and
 - b. Employees or volunteers of child care facilities and child care group homes.
4. Includes a conditional repeal upon adoption of ADHS rules on the use of sunscreen.
5. Requires the Director of ADHS to notify Legislative Council in writing of the date of the adoption of rules.

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CARTER FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2134
(Reference to printed bill)

1 Page 1, between lines 20 and 21, insert:

"Sec. 2. Title 36, chapter 7.1, article 1, Arizona Revised Statutes, is amended by adding section 36-894.01, to read:

36-894.01. Use of sunscreen in child care facilities; immunity

A. A CHILD WHO ATTENDS A CHILD CARE FACILITY IN THIS STATE MAY POSSESS AND USE A TOPICAL SUNSCREEN PRODUCT WITHOUT A NOTE OR PRESCRIPTION FROM A LICENSED HEALTH CARE PROFESSIONAL IF THE PRODUCT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR NONPRESCRIPTION USE FOR THE PURPOSE OF LIMITING SKIN DAMAGE INDUCED BY ULTRAVIOLET LIGHT.

B. A CHILD CARE FACILITY MAY ALLOW EMPLOYEES AND VOLUNTEERS OF THE CHILD CARE FACILITY TO ASSIST CHILDREN WHO ATTEND THE CHILD CARE FACILITY IN THE APPLICATION OF A TOPICAL SUNSCREEN PRODUCT IF THE PARENT OF THE CHILD PROVIDES WRITTEN CONSENT TO THIS ASSISTANCE.

C. EXCEPT IN CASES OF GROSS NEGLIGENCE, WILFUL MISCONDUCT OR INTENTIONAL WRONGDOING, CHILD CARE FACILITIES AND EMPLOYEES AND VOLUNTEERS OF CHILD CARE FACILITIES ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS TAKEN THAT ARE BASED ON GOOD FAITH IMPLEMENTATION OF THIS SECTION.

Sec. 3. Title 36, chapter 7.1, article 4, Arizona Revised Statutes, is amended by adding section 36-897.13, to read:

36-897.13. Use of sunscreen in child care group homes; immunity

A. A CHILD WHO ATTENDS A CHILD CARE GROUP HOME IN THIS STATE MAY POSSESS AND USE A TOPICAL SUNSCREEN PRODUCT WITHOUT A NOTE OR PRESCRIPTION FROM A LICENSED HEALTH CARE PROFESSIONAL IF THE PRODUCT IS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR NONPRESCRIPTION USE FOR THE PURPOSE OF LIMITING SKIN DAMAGE INDUCED BY ULTRAVIOLET LIGHT.

1 B. A CHILD CARE GROUP HOME MAY ALLOW EMPLOYEES AND VOLUNTEERS OF THE
2 CHILD CARE GROUP HOME TO ASSIST CHILDREN WHO ATTEND THE CHILD CARE GROUP
3 HOME IN THE APPLICATION OF A TOPICAL SUNSCREEN PRODUCT IF THE PARENT OF THE
4 CHILD PROVIDES WRITTEN CONSENT TO THIS ASSISTANCE.

5 C. EXCEPT IN CASES OF GROSS NEGLIGENCE, WILFUL MISCONDUCT OR
6 INTENTIONAL WRONGDOING, CHILD CARE GROUP HOMES AND EMPLOYEES AND VOLUNTEERS
7 OF CHILD CARE GROUP HOMES ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO
8 ALL DECISIONS MADE AND ACTIONS TAKEN THAT ARE BASED ON GOOD FAITH
9 IMPLEMENTATION OF THIS SECTION."

10 Renumber to conform

11 Page 1, after line 37, insert:

12 "Sec. 5. Conditional repeal; notice

13 A. Sections 15-158, 36-894.01, 36-897.13 and 36-3916, Arizona
14 Revised Statutes, as added by this act, are repealed as of the date the
15 department of health services adopts rules on the use of sunscreen.

16 B. The director of the department of health services shall notify in
17 writing the director of the Arizona legislative council of this date."

18 Amend title to conform

HEATHER CARTER

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C: tdb