BY JOELLEN KRALIK

Although preventable, skin cancer is the most commonly diagnosed cancer in the United States, according to the Centers for Disease Control and Prevention (CDC). Evidence shows that even one blistering sunburn during childhood or adolescence can nearly double a person’s chance of developing melanoma, and the American Academy of Dermatology recommends that children, especially, should be protected from the sun. The CDC advises applying sunscreen every time a child goes outside.

The most recent data from the CDC’s School Health Policies and Practices Survey (SHPPS) reveals that almost half of all U.S. schools allow time for students to apply sunscreen at school, but in general, sun safety practices are not common. Sunscreen is considered an over-the-counter drug by the U.S. Food and Drug Administration, and many school policies require physician authorization for students to be given such medications.

Because children spend much of their days at school, state and federal lawmakers are looking for ways to incorporate sun protection policies and practices into schools.

**State Action**

In response to growing concerns about sun protection for children, several states have enacted policies addressing student use of sunscreen at schools. So far in 2017 six states—Alabama, Arizona, Florida, Louisiana, Utah and Washington—have passed school sunscreen legislation. These six states join California, New York, Oregon and Texas, for a total of 10 states addressing the issue in statute.

New Mexico has consistently included shade structures for specific schools as part of its capital expenditure bills.
California in 2002 became the first state to enact this type of legislation. Its law requires schools to allow students to wear sun-protective clothing outside and use sunscreen without needing a physician’s note or prescription. It wasn’t until more than a decade later that another state, New York, passed a similar law in 2013.

While most school sunscreen laws generally require schools and districts to allow students to use over-the-counter sunscreen at school and school-based events without needing a physician’s note or prescription, there are some variations across the states. New York requires that students have written permission from their parents to use sunscreen at school. Oregon, like California, includes sun-protective clothing as a part of its statute, and Washington encourages schools to educate students about sun safety. Alabama, Arizona, California, New York, Oregon, Utah and Washington all include provisions specifying ways school personnel can assist students in applying sunscreen.

There has been an uptick in the number of states considering similar legislation. In 2017, 12 states—the most in a single session since NCSL began tracking the issue in 2015—considered legislation addressing sunscreen at schools. During 2017 sessions, Georgia and Mississippi considered, but failed to pass, legislation. Massachusetts, New Jersey, Pennsylvania and Rhode Island still have legislation pending. Other states that considered but did not enact legislation in previous sessions include Maryland, Michigan, and North Carolina.

Some states have taken a different legislative approach to promote sun protection. Kentucky encourages schools to educate their students on the risks associated with ultraviolet rays from natural sunlight and artificial sources. Hawaii’s Legislature adopted a resolution in 2008 requesting the Department of Education develop a prototype model or guidelines for schools, community groups or volunteer organizations for installing or creating shaded play areas at public schools. New Mexico has consistently included shade structures for specific schools as part of its capital expenditure bills since 2005.

**Federal Action**

There is a resolution pending in Congress addressing student use of sunscreen at school. U.S. House Resolution 282 would support federal, state and local efforts to exempt sunscreen from over-the-counter medication bans in schools. It also encourages all schools to allow students to possess sunscreen at school without restriction and without requiring physician authorization. A similar resolution was considered in 2016, but failed to pass out of committee.

The Surgeon General issued a Call to Act to Prevent Skin Cancer in 2014. The document was created to stimulate action nationwide at all levels of government.

---

**Did You Know?**

- Utah, Delaware, Vermont, Minnesota and Idaho have the highest skin cancer rates of all U.S. states, according to the Centers for Disease Control and Prevention.
- Sunscreen is regulated by the U.S. Food and Drug Administration because it makes a “drug claim”—that it helps prevent sunburn and decreases the risks of skin cancer and early skin aging caused by the sun.
- In Europe and some other countries, sunscreens are regulated as cosmetics, not as drugs.

**Additional Resources**

- NCSL webpage, Indoor Tanning Restrictions for Minors: A State-by-State Comparison
- NCSL LegisBrief, Reducing Skin Cancer Risks
- The Surgeon General’s Call to Action to Prevent Skin Cancer (2014) and Progress Report (2016)

**NCSL Contact**

Joellen Kralik  
(303) 856-1376