

1 AN ACT relating to health services for youths.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 156.502 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Health services" means the provision of direct health care, including the  
6 administration of medication; the operation, maintenance, or health care  
7 through the use of medical equipment; or the administration of clinical  
8 procedures. "Health services" does not include first aid or emergency  
9 procedures;~~and~~

10 (b) **"Medication":**

11 **1. Means both prescription drugs and nonprescription drugs defined in**  
12 **KRS 315.010; and**

13 **2. Does not include sunscreen;**

14 **(c) "School employee" means an employee of the public schools of this**  
15 **Commonwealth; and**

16 **(d) "Sunscreen" means a product approved by the United States Food and**  
17 **Drug Administration for over-the-counter use for the purpose of limiting**  
18 **ultraviolet light-induced skin damage.**

19 (2) Health services shall be provided, within the health care professional's current  
20 scope of practice, in a school setting by:

21 (a) A physician who is licensed under the provisions of KRS Chapter 311;

22 (b) An advanced practice registered nurse, registered nurse, or licensed practical  
23 nurse who is licensed under the provisions of KRS Chapter 314;

24 (c) A nonlicensed health technician that has the administration of health services  
25 in his or her contract or job description as a job responsibility and who is  
26 delegated responsibility to perform the health service by a physician,  
27 advanced practice registered nurse, or registered nurse and has been trained

1 and approved in writing by the delegating physician or delegating nurse for  
2 delegable health services; or

3 (d) A school employee who is delegated responsibility to perform the health  
4 service by a physician, advanced practice registered nurse, or registered nurse;  
5 and

6 1. Has been trained by the delegating physician or delegating nurse for the  
7 specific health service, if that health service is one that could be  
8 delegated by the physician or nurse within his or her scope of practice;  
9 and

10 2. Has been approved in writing by the delegating physician or delegating  
11 nurse. The approval shall state that the school employee consents to  
12 perform the health service when the employee does not have the  
13 administration of health services in his or her contract or job description  
14 as a job responsibility, possesses sufficient training and skills, and has  
15 demonstrated competency to safely and effectively perform the health  
16 service. The school employee shall acknowledge receipt of training by  
17 signing the approval form. A copy of the approval form shall be  
18 maintained in the student's record and the personnel file of the school  
19 employee. A delegation to a school employee under this paragraph shall  
20 be valid only for the current school year.

21 (3) If no school employee has been trained and delegated responsibility to perform a  
22 health service, the school district shall make any necessary arrangement for the  
23 provision of the health service to the student in order to prevent a loss of a health  
24 service from affecting the student's attendance or program participation. The school  
25 district shall continue with this arrangement until appropriate school personnel are  
26 delegated the responsibility for health care in subsection (2) of this section.

27 (4) (a) Each local board of education shall adopt a policy authorizing:

- 1                    1. A kindergarten to grade five (5) student to:
- 2                    a. Possess sunscreen; and
- 3                    b. Self-apply sunscreen with written permission of the parent or
- 4                    guardian; and
- 5                    2. A grade six (6) to twelve (12) student to:
- 6                    a. Possess and self-apply sunscreen; and
- 7                    b. May not require written permission of the parent or guardian;
- 8                    and
- 9                    (b) The local board of education policy shall cover the possession and use of
- 10                   sunscreen when a student is:
- 11                   1. In school;
- 12                   2. Participating in a school-sponsored activity; and
- 13                   3. In before-school, after-school, or summer care programs provided by
- 14                   the school.

15 (5) A school employee who has been properly delegated responsibility for performing a  
16 medical procedure under this section shall act as an agent of the school and be  
17 granted liability protection under the Federal Paul P. Coverdell Teacher Liability  
18 Protection Act of 2001, Pub. L. No. 107-110, unless the claimant establishes by  
19 clear and convincing evidence that harm was proximately caused by an act or  
20 omission of the school employee that constitutes negligence, willful or criminal  
21 misconduct, or a conscious, flagrant indifference to the rights and safety of the  
22 individual harmed.

23 (6)~~[(5)]~~ Nothing in this section shall be construed to deny a student his or her right to  
24 attend public school and to receive public school services, or to deny, prohibit, or  
25 limit the administration of emergency first aid or emergency procedures.

26 ➔Section 2. KRS 194A.380 is amended to read as follows:

27 As used in KRS 194A.380 to 194A.383:

- 1 (1) "Criminal offense against a minor" means a conviction or a plea of guilty to any of  
2 the following offenses if the victim is under the age of eighteen (18) at the time of  
3 the commission of the offense:
- 4 (a) Kidnapping, as in KRS 509.040, except by a parent;
  - 5 (b) Unlawful imprisonment, as in KRS 509.020, except by a parent;
  - 6 (c) Sexual misconduct as in KRS 510.140;
  - 7 (d) Use of a minor in a sexual performance, as in KRS 531.310;
  - 8 (e) Promoting a sexual performance of a minor, as in KRS 531.320;
  - 9 (f) Possession or viewing matter portraying a sexual performance by a minor, as  
10 in KRS 531.335;
  - 11 (g) Distribution of matter portraying a sexual performance by a minor, as in KRS  
12 531.340;
  - 13 (h) Promoting the sale of material portraying a sexual performance by a minor, as  
14 in KRS 531.350;
  - 15 (i) Advertising material portraying a sexual performance by a minor, as in KRS  
16 531.360;
  - 17 (j) Using minors to distribute material portraying a sexual performance by a  
18 minor, as in KRS 531.370;
  - 19 (k) Human trafficking involving commercial sexual activity, as in KRS 529.100;
  - 20 (l) Promoting prostitution, as in KRS 529.040, when the defendant advances or  
21 profits from the prostitution of a person under the age of eighteen (18);
  - 22 (m) Unlawful transaction with a minor in the first degree, as in KRS  
23 530.064(1)(a);
  - 24 (n) Any attempt to commit any of the offenses described in paragraphs (a) to (m)  
25 of this subsection; or
  - 26 (o) Solicitation to commit any of the offenses described in paragraphs (a) to (m)  
27 of this subsection;

- 1 (2) "Local government" means a city, county, consolidated local government, urban-  
2 county government, unified local government, or charter county government;
- 3 (3) "Local government youth day camp" means a camp operated by a local government  
4 for all or part of a day, whether free or for a fee, for five (5) or more children under  
5 eighteen (18) years of age outside the presence of their parent or guardian for  
6 recreational or educational purposes for four (4) or more consecutive hours per day  
7 during school vacation periods, school breaks, or school cancellations;
- 8 (4) "Sex crime" means a conviction or a plea of guilty to any of the following offenses:
- 9 (a) Rape in the first degree as in KRS 510.040;
- 10 (b) Rape in the second degree as in KRS 510.050;
- 11 (c) Rape in the third degree as in KRS 510.060;
- 12 (d) Sodomy in the first degree as in KRS 510.070;
- 13 (e) Sodomy in the second degree as in KRS 510.080;
- 14 (f) Sodomy in the third degree as in KRS 510.090;
- 15 (g) Sodomy in the fourth degree as in KRS 510.100;
- 16 (h) Sexual abuse in the first degree as in KRS 510.110;
- 17 (i) Sexual abuse in the second degree as in KRS 510.120;
- 18 (j) Sexual abuse in the third degree as in KRS 510.130;
- 19 (k) Indecent exposure in the first degree as in KRS 510.148;
- 20 (l) Indecent exposure in the second degree as in KRS 510.150;
- 21 (m) Unlawful use of electronic means originating or received within the  
22 Commonwealth to induce a minor to engage in sexual or other prohibited  
23 activities as in KRS 510.155; or
- 24 (n) Incest as in KRS 530.020;
- 25 (5) "Staff member" means:
- 26 (a) An individual who is employed by a youth camp or camp or a local  
27 government youth day camp for compensation;

1 (b) A contract employee or a self-employed individual whose employment  
2 directly involves the care or supervision of children or unsupervised access to  
3 children placed with a youth camp or camp or a local government youth day  
4 camp; or

5 (c) A volunteer or intern whose activities on behalf of a youth camp or camp or a  
6 local government youth day camp directly involves the care or supervision of  
7 children or unsupervised access to children placed with a youth camp or camp  
8 or a local government youth day camp;

9 (6) "Sunscreen" means a product approved by the United States Food and Drug  
10 Administration for over-the-counter use for the purpose of limiting ultraviolet  
11 light-induced skin damage. Sunscreen shall not be considered a prescription drug  
12 or a nonprescription drug defined in KRS 315.010 and shall not require a  
13 prescription or order for possession or self-application by a child;

14 (7) "Violent offender" means any person who has been convicted of or who has entered  
15 a plea of guilty to the commission of a capital offense, Class A felony, Class B  
16 felony involving the death of the victim or serious physical injury to the victim, or  
17 rape in the first degree, or sodomy in the first degree; and

18 (8)~~(7)~~ "Youth camp" or "camp" means:

19 (a) Any camp required pursuant to KRS 211.180 to obtain a permit to operate;  
20 and

21 (b) Any program offered, whether free or for a fee, for recreational, educational,  
22 sports training, or vacation purposes to children under eighteen (18) years of  
23 age that a child attends outside the presence of his or her parent or legal  
24 guardian.

25 ➔SECTION 3. A NEW SECTION OF KRS 194A.380 TO 194A.383 IS  
26 CREATED TO READ AS FOLLOWS:

27 Each youth camp shall adopt a policy authorizing a child to carry and self-administer

- 1 *child-provided or parent-provided sunscreen while attending such camp.*