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**TESTIMONY IN SUPPORT OF 18-S 2115 AND 18-S 2340 –
HEALTH AND SAFETY OF PUPILS
March 14, 2018**

The ACLU fully agrees with what should be the uncontroversial notion embodied by these bills – that students in school should be allowed to possess and use certain over-the-counter medications without fear of punishment. However, the question that people should be asking is why bills like these are necessary in the first place.

Unfortunately, regulations promulgated a few years ago by the Departments of Health and Education 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 thus 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. Just as importantly, no teenage girl should be forced to get permission to possess and use over-the-counter products to treat menstrual cramps or vaginal yeast infections. It is like requiring them to get permission to menstruate while at school.

We think the regulatory requirement that students bring a note for **any** over-the-counter product should be repealed. But if the Committee is going to consider making a special exception for sunscreen, one should be made for Midol too. We think it would be grossly unfair and discriminatory to recognize one but not the other.

Thank you for considering our views.