

STATE OF NEW YORK

1043

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring cafeteria staff to be trained in preventing and responding to anaphylaxis

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (d) of subdivision 1 and subdivision 2 of section
2 2500-h of the public health law, paragraph (d) of subdivision 1 as added
3 and subdivision 2 as amended by chapter 254 of the laws of 2019, are
4 amended to read as follows:

5 (d) The commissioner shall create informational materials detailing
6 such anaphylactic policies to be distributed to local school boards of
7 education, charter schools, boards of cooperative educational services,
8 ~~[and]~~ child day care centers, and cafeteria staff and shall make the
9 materials available on the department's website.

10 2. The anaphylactic policies established under subdivision one of this
11 section shall include the following:

12 (a) a procedure and treatment plan, including emergency protocols and
13 responsibilities for school nurses and other appropriate school and
14 child day care personnel, for responding to anaphylaxis;

15 (b) a training course for appropriate school and child day care
16 personnel, including cafeteria staff, for preventing and responding to
17 anaphylaxis. The commissioner shall, in consultation with the commis-
18 sioner of children and family services and the commissioner of educa-
19 tion, consider existing training programs for responding to anaphylaxis
20 in order to avoid duplicative training requirements. Such pre-existing
21 program shall fulfill the requirement for a training course pursuant to
22 this subdivision if the standards of such pre-existing program are
23 deemed by the commissioner to be at least as stringent as the standards
24 promulgated by the commissioner in the development of the training
25 course by the state. The training course shall include training in food

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 handling and in the use of epinephrine auto-injectors which shall be
2 provided to cafeteria staff;

3 (c) a procedure and appropriate guidelines for the development of an
4 individualized emergency health care plan for children with a food or
5 other allergy which could result in anaphylaxis;

6 (d) a communication plan for intake and dissemination of information
7 provided by the state regarding children with a food or other allergy
8 which could result in anaphylaxis, including a discussion of methods,
9 treatments and therapies to reduce the risk of allergic reactions,
10 including anaphylaxis;

11 (e) strategies for the reduction of the risk of exposure to anaphylac-
12 tic causative agents, including food and other allergens; ~~and~~

13 (f) a communication plan for discussion with children that have devel-
14 oped adequate verbal communication and comprehension skills and with the
15 parents or guardians of all children about foods that are safe and
16 unsafe and about strategies to avoid exposure to unsafe food~~[-]~~; and

17 (g) requirements that epinephrine auto-injectors be accessible in
18 cafeterias. Epinephrine auto-injectors located in cafeterias shall be
19 clearly labeled with instructional signs available in each of the ten
20 covered languages, as defined by the chancellor of the city school
21 district of the city of New York in the chancellor's regulation A-663.

22 § 2. This act shall take effect immediately.