

# STATE OF NEW YORK

6971--A

2019-2020 Regular Sessions

## IN ASSEMBLY

March 29, 2019

Introduced by M. of A. TAYLOR -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring anaphylactic policies for child care services

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

1 Section 1. This act shall be known and may be cited as "Elijah's Law".  
2 § 2. Section 2500-h of the public health law, as added by chapter 579  
3 of the laws of 2007, is amended to read as follows:

4 § 2500-h. Anaphylactic policy for school districts and child care  
5 providers. 1. The commissioner, in consultation with the commissioner  
6 of education and the commissioner of children and family services, shall  
7 establish ~~[an]~~ anaphylactic ~~[policy]~~ policies for school districts and  
8 child day care providers as defined in section three hundred ninety of  
9 the social services law setting forth guidelines and procedures to be  
10 followed for both the prevention of anaphylaxis and during a medical  
11 emergency resulting from anaphylaxis. Such policy shall be developed  
12 after consultation with representatives of pediatric physicians, school  
13 nurses and other health care providers with expertise in treating chil-  
14 dren with anaphylaxis, parents of children with life threatening aller-  
15 gies, ~~[school administrators, teachers, school food service directors]~~  
16 and appropriate not-for-profit corporations representing allergic indi-  
17 viduals at risk for anaphylaxis, and school and child day care personnel  
18 including administrators, teachers, and food service directors. In  
19 establishing policies under this section, the commissioner shall consid-  
20 er the voluntary guidelines for managing food allergies in schools and  
21 early care and education programs issued by the United States department  
22 of health and human services, to the extent appropriate for the setting.

23 2. The anaphylactic ~~[policy]~~ policies established ~~[by]~~ under subdivi-  
24 sion one of this section shall include the following:

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

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

4 (b) a training course for appropriate school and child day care  
5 personnel for preventing and responding to anaphylaxis;

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

9 (d) a communication plan for intake and dissemination of information  
10 regarding children with a food or other allergy which could result in  
11 anaphylaxis; [~~and~~]

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

14 (f) a communication plan for discussion with children about foods that  
15 are safe and unsafe and about strategies to avoid exposure to unsafe  
16 food;

17 (g) a discussion of methods, treatments and therapies to reduce the  
18 risk of allergic reactions, including anaphylaxis; and

19 (h) procedures by which a summary of the voluntary guidelines and  
20 anaphylactic policy will be provided, at least once per calendar year,  
21 to the parents and/or guardians of all children under the care of child  
22 care services providers.

23 3. [~~On or before June thirtieth, two thousand eight~~] Within six months  
24 of the effective date of the chapter of the laws of two thousand nine-  
25 teen which amended this section, [~~an~~] the anaphylactic [~~policy~~] policies  
26 established under this section shall be jointly forwarded by the commis-  
27 sioner [~~and~~], the commissioner of education and the commissioner of  
28 children and family services to each local school board of education,  
29 charter school, [~~and~~] board of cooperative educational services and  
30 child day care service provider, as defined in section three hundred  
31 ninety of the social services law, in the state. Each such [~~board and~~  
32 charter school] entity shall [~~consider and take action in response to~~  
33 such] implement an anaphylactic policy within six months of receiving  
34 the anaphylactic policies.

35 4. The anaphylactic policy established by this section shall be  
36 updated at least once every three years, or more frequently if the  
37 commissioner determines it to be necessary or desirable for the  
38 protection of children with a food allergy or other allergy which could  
39 result in anaphylaxis.

40 § 3. This act shall take effect immediately; provided that the amend-  
41 ments to subdivision 3 of section 2500-h of the public health law made  
42 by section one of this act shall take effect one year after this act  
43 shall have become a law. Effective immediately, the addition, amendment  
44 and/or repeal of any rule or regulation necessary for the implementation  
45 of this act on its effective date are authorized to be made and  
46 completed on or before such effective date.