STATE OF NEW YORK

1043--A

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 -- 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 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:

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

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

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

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

(b) a training course for appropriate school and child day care personnel**, including cafeteria staff,** for preventing and responding to anaphylaxis. The commissioner shall, in consultation with the commissioner of children and family services and the commissioner of education, consider existing training programs for responding to anaphylaxis in order to avoid duplicative training requirements. Such pre-existing program shall fulfill the requirement for a training course pursuant to this subdivision if the standards of such pre-existing program are deemed by the commissioner to be at least as stringent as the standards

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

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promulgated by the commissioner in the development of the training course by the state**. The training course shall include training in food handling and in the use of epinephrine auto-injectors which shall be provided to cafeteria staff**;

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

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

(e) strategies for the reduction of the risk of exposure to anaphylactic causative agents, including food and other allergens; [~~and~~]

(f) a communication plan for discussion with children that have developed adequate verbal communication and comprehension skills and with the parents or guardians of all children about foods that are safe and unsafe and about strategies to avoid exposure to unsafe food[~~.~~]**; and**

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

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.