AN ACT requiring schools to maintain food allergy plans to address food allergy safety and training.


COMMITTEE: Education

ANALYSIS

This bill requires every school in which a student with a life-threatening food allergy is enrolled to maintain a food allergy management and prevention plan.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT requiring schools to maintain food allergy plans to address food allergy safety and training.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Chapter; Food Allergy Management and Prevention. Amend RSA by inserting after chapter 200-N the following new chapter:

CHAPTER 200-O

FOOD ALLERGY MANAGEMENT AND PREVENTION

200-O:1 Food Allergy Management and Prevention Plan.

I. Every school district, chartered public school, and non-public school in which a student with severe food allergies is enrolled shall develop and maintain a food allergy management and prevention plan ("plan") to address food allergy safety and training. Each such school district shall draft the plan and share it with the parent or guardian of a student with severe food allergies within 30 days of being notified by the parent that the child has such an allergy. The plan shall apply to members of school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity, paraprofessionals, and substitute personnel. The plan shall be updated at least biennially, as long as at least one student with severe food allergies is enrolled.

II. Each plan shall include, but not be limited to:

(a) Protocols for identification of students with known food allergies, including medical documentation.

(b) Policies for the daily management of food allergies for individual students.

(c) Strategies and policies to reduce exposure to allergens for students with food allergies.

(d) Clear procedures for treating allergic reactions for students with both known and unknown allergies.

(e) Policies for treating allergic reactions when a school nurse is available onsite and when no school nurse is available.

(f) Strategies for treating allergic reactions during extracurricular activities or non-school hour events.

(g) Policies for school nurses to develop individualized health care plans (IHCPs) for students with food allergies.

(h) Professional development for school personnel and staff members.

(i) Notification to parents and students of food allergy policies and practices.
III. The plan shall include a provision for professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals. The content of such professional development shall include but not be limited to:

(a) Training on reducing exposure to food allergens for students with allergies.
(b) Techniques for food allergy management of students with food allergies.
(c) Recognizing the symptoms of a severe allergic reaction.
(d) For appropriate staff, training and testing for competency in epinephrine administration. The department of education shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section. At least one of these alternative methods shall be available at no cost.
(e) The plan shall be posted on the website of the school district, chartered public school, or non-public school.

IV. Each school principal, or the person who holds a comparable position, in consultation with a school nurse, shall be responsible for the implementation and oversight of the plan.

V. The department of education shall waive the requirements of this section upon a showing by a school district that they have an existing food allergy management plan which substantially meets the requirements of this section. School districts seeking such a waiver shall provide a detailed description of existing food allergy management plans.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT requiring schools to maintain food allergy plans to address food allergy safety and training.

FISCAL IMPACT:  [ X ] State  [ ] County  [ X ] Local  [ ] None

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LOCAL:

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METHODOLOGY:

This bill requires all school districts, charter public schools, and non-public schools, to which a student with severe food allergies is enrolled, to develop and maintain a food allergy management and prevention plan to address food allergy safety and training. It is unknown how many schools may need to adopt such a plan, or the costs associated, therefore this bill’s impact on local expenditures is indeterminable. Also, this bill establishes a waiver process for school districts, through the Department of Education, to avoid all the requirements of this bill if they prove their existing food allergy management plan substantially meets the bill’s requirements. The Department is unable to estimate how many districts may seek such a waiver, nor the waiver processes’ impact on Department expenditures.

AGENCIES CONTACTED:

Department of Education