
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1259 Session of
2021

INTRODUCED BY WARNER, SOLOMON, BERNSTINE, BOBACK, BURGOS,
DAVANZO, DELLOSO, FREEMAN, GILLEN, HENNESSEY, JAMES, KULIK,
MIHALEK, MILLARD, MIZGORSKI, PASHINSKI, POLINCHOCK AND
ZIMMERMAN, APRIL 21, 2021

REFERRED TO COMMITTEE ON EDUCATION, APRIL 21, 2021

AN ACT

1 Providing for the treatment and prevention of anaphylaxis in
2 schools and child care centers.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as Elijah's Law.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Anaphylactic policy." The anaphylactic policy established
12 under section 3 of this act.

13 "Child care center." As defined under section 1001 of the
14 act of June 13, 1967 (P.L.31, No.21), known as the Human
15 Services Code.

16 "Department." The Department of Health of the Commonwealth.

17 "School district." As defined under section 102 of the act

1 of March 10, 1949 (P.L.30, No.14), known as the Public School
2 Code of 1949.

3 Section 3. Anaphylactic policy for school districts and child
4 care providers.

5 (a) School districts.--Notwithstanding section 1414.2 of the
6 act of March 10, 1949 (P.L.30, No.14), known as the Public
7 School Code of 1949, or any other provision of law, the
8 department shall establish an anaphylactic policy for school
9 districts stating guidelines and procedures to be followed
10 during a medical emergency resulting from anaphylaxis and for
11 the prevention of anaphylaxis. The anaphylactic policy shall be
12 developed in consultation with the following:

13 (1) The Secretary of Education.

14 (2) Representatives of pediatric physicians, school
15 nurses and other health care providers with expertise in
16 treating children with anaphylaxis.

17 (3) Parents of children with life-threatening allergies.

18 (4) School administrators, teachers and school food
19 service directors.

20 (5) Appropriate not-for-profit corporations representing
21 allergic individuals at risk for anaphylaxis.

22 (b) Child day-care providers.--The department shall
23 establish an anaphylactic policy for child care centers stating
24 guidelines and procedures to be followed during a medical
25 emergency resulting from anaphylaxis and for the prevention of
26 anaphylaxis. The anaphylactic policy shall be developed in
27 consultation with the following:

28 (1) The Secretary of Human Services.

29 (2) Representatives of pediatric physicians and other
30 health care providers with expertise in treating children

1 with anaphylaxis.

2 (3) Parents of children with life-threatening allergies.

3 (4) Child day-care administrators and personnel.

4 (5) Appropriate not-for-profit corporations representing
5 allergic individuals at risk for anaphylaxis.

6 (c) Other considerations.--In establishing policies under
7 this section, the department shall consider existing
8 requirements regarding the treatment of anaphylaxis, current and
9 best practices for schools and child care centers on allergies
10 and anaphylaxis and voluntary guidelines for managing food
11 allergies in schools and early care and education programs
12 issued by the United States Department of Health and Human
13 Services, to the extent appropriate for the setting.

14 (d) Informational material.--The department, in consultation
15 with the Secretary of Human Services, shall create informational
16 material detailing the anaphylactic policy to be distributed to
17 school districts, school boards, charter schools and child care
18 centers. The department shall publish the informational material
19 on the department's publicly accessible Internet website.

20 Section 4. Anaphylactic policy requirements.

21 The anaphylactic policy shall include the following:

22 (1) Procedure and treatment plan for responding to
23 anaphylaxis, including emergency protocols and
24 responsibilities for school nurses and other appropriate
25 school and child day-care personnel.

26 (2) Training course for appropriate school and child
27 day-care personnel for preventing and responding to
28 anaphylaxis. The department shall, in consultation with the
29 Secretary of Human Services and the Secretary of Education,
30 as appropriate, consider existing training programs for

1 responding to anaphylaxis in order to avoid duplicative
2 training requirements. A program in use on the effective date
3 of this paragraph shall fulfill the requirement for a
4 training course pursuant to this act if the standards of the
5 program are determined by the department to be at least as
6 stringent as the standards promulgated for the training
7 course established under this paragraph.

8 (3) Procedure and appropriate guidelines for the
9 development of an individualized emergency health care plan
10 for children with a food or other allergy which could result
11 in anaphylaxis.

12 (4) Communication plan for intake and dissemination of
13 information provided by the Commonwealth regarding children
14 with a food or other allergy which could result in
15 anaphylaxis, including a discussion of methods, treatments
16 and therapies to reduce the risk of allergic reactions,
17 including anaphylaxis.

18 (5) Strategies for the reduction of the risk of exposure
19 to anaphylactic causative agents, including food and other
20 allergens.

21 (6) Communication plan for discussion with children who
22 have developed adequate verbal communication and
23 comprehension skills and with the parents or guardians of all
24 children about foods that are safe and unsafe and strategies
25 to avoid exposure to unsafe food.

26 Section 5. Notification of anaphylactic policy.

27 (a) Notification.--At least once per calendar year, each
28 school and child care center shall send a notification to a
29 parent or guardian of each child under the care of the school or
30 child care center to make the parent or guardian aware of the

1 anaphylactic policy.

2 (b) Child care centers.--Each child care center shall
3 provide the required notification under subsection (a) when the
4 child is enrolled and each year thereafter.

5 (c) Notification requirements.--The notification required
6 under subsection (a) shall include contact information so that
7 parents and guardians can learn more about individualized
8 aspects of the policy.

9 Section 6. Dissemination of policy.

10 (a) General rule.--Within six months of the effective date
11 of this section, the anaphylactic policy shall be jointly
12 submitted by the Secretary of Health and the Secretary of
13 Education, or the Secretary of Human Services, as appropriate,
14 to each local school district, charter school and child care
15 center in this Commonwealth.

16 (b) Implementation.--Within six months of receiving the
17 anaphylactic policy under subsection (a), each school district,
18 charter school and child care center shall implement the
19 anaphylactic policy or update a policy of the school district,
20 charter school or child care center dealing with anaphylaxis in
21 use on the effective date of this subsection to abide by the
22 anaphylactic policy.

23 Section 7. Anaphylactic policy update.

24 The anaphylactic policy shall be updated at least once every
25 three years, or more frequently as determined by the department,
26 to be necessary or desirable for the protection of children with
27 a food allergy or other allergy which could result in
28 anaphylaxis.

29 Section 8. Effective date.

30 This act shall take effect as follows:

1 (1) Section 5 shall take effect in one year.

2 (2) The remainder of this act shall take effect

3 immediately.