
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2082 Session of
2024

INTRODUCED BY WARNER, SOLOMON, PASHINSKI, JAMES, MARCELL AND
DAVANZO, MARCH 5, 2024

REFERRED TO COMMITTEE ON HEALTH, MARCH 5, 2024

AN ACT

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

3 This act may be referred to as Elijah's Law.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Treatment and
8 Prevention of Anaphylaxis in Child Care Centers Act.

9 Section 2. Definitions.

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

13 "Anaphylactic policy." The anaphylactic policy established
14 under section 3 of this act.

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

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

1 Section 3. Anaphylactic policy for child care centers.

2 (a) Child care centers.--The department shall establish an
3 anaphylactic policy for child care centers stating guidelines
4 and procedures to be followed during a medical emergency
5 resulting from anaphylaxis and for the prevention of
6 anaphylaxis. The anaphylactic policy shall be developed in
7 consultation with the following:

8 (1) The Secretary of Human Services.

9 (2) Representatives of pediatric physicians and other
10 health care providers with expertise in treating children
11 with anaphylaxis.

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

13 (4) Child care center administrators and personnel.

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

16 (b) Other considerations.--In establishing policies under
17 this section, the department shall consider existing
18 requirements regarding the treatment of anaphylaxis, current and
19 best practices for child care centers on allergies and
20 anaphylaxis and voluntary guidelines for managing food allergies
21 in early care and education programs issued by the United States
22 Department of Health and Human Services.

23 (c) Informational material.--The department, in consultation
24 with the Secretary of Human Services, shall create informational
25 material detailing the anaphylactic policy to be distributed to
26 child care centers. The department shall publish the
27 informational material on the department's publicly accessible
28 Internet website.

29 Section 4. Anaphylactic policy requirements.

30 The anaphylactic policy shall include the following:

1 (1) Procedure and treatment plan for responding to
2 anaphylaxis, including emergency protocols and
3 responsibilities for child care center personnel.

4 (2) Training course for child care center personnel for
5 preventing and responding to anaphylaxis. The department
6 shall, in consultation with the Secretary of Human Services,
7 consider existing training programs for responding to
8 anaphylaxis in order to avoid duplicative training
9 requirements. A program in use on the effective date of this
10 paragraph shall fulfill the requirement for a training course
11 under this act if the standards of the program are determined
12 by the department to be at least as stringent as the
13 standards promulgated for the training course established
14 under this paragraph.

15 (3) Procedure and appropriate guidelines for the
16 development of an individualized emergency health care plan
17 for children with a food or other allergy which could result
18 in anaphylaxis.

19 (4) Communication plan for intake and dissemination of
20 information provided by the Commonwealth regarding children
21 with a food or other allergy which could result in
22 anaphylaxis, including a discussion of methods, treatments
23 and therapies to reduce the risk of allergic reactions,
24 including anaphylaxis.

25 (5) Strategies for the reduction of the risk of exposure
26 to anaphylactic causative agents, including food and other
27 allergens.

28 (6) Communication plan for discussion with children who
29 have developed adequate verbal communication and
30 comprehension skills and with the parents or guardians of all

1 children about foods that are safe and unsafe and strategies
2 to avoid exposure to unsafe food.

3 Section 5. Notification of anaphylactic policy.

4 At least once per calendar year, each child care center shall
5 send a notification to a parent or guardian of each child under
6 the care of the child care center to make the parent or guardian
7 aware of the anaphylactic policy.

8 Section 6. Dissemination of policy.

9 (a) General rule.--Within six months of the effective date
10 of this subsection, the anaphylactic policy shall be jointly
11 submitted by the Secretary of Health and the Secretary of Human
12 Services to each child care center in this Commonwealth.

13 (b) Implementation.--Within six months of receiving the
14 anaphylactic policy under subsection (a), each child care center
15 shall implement the anaphylactic policy or update a policy of
16 the child care center dealing with anaphylaxis in use on the
17 effective date of this subsection to abide by the anaphylactic
18 policy.

19 Section 7. Anaphylactic policy update.

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

25 Section 8. Effective date.

26 This act shall take effect as follows:

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

28 (2) The remainder of this act shall take effect
29 immediately.