



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0102

Introduced 1/14/2021, by Rep. Jonathan Carroll

SYNOPSIS AS INTRODUCED:

New Act

Creates the Childhood Anaphylactic Policy Act. Requires the Department of Public Health, in consultation with the State Board of Education and the Department of Children and Family Services, to establish anaphylactic policies for school districts and day care centers. Requires the Department to create, distribute, and make available on its website informational materials regarding the policies. Contains requirements for the policies. Requires schools and day care centers to notify parents and guardians of the policies at least once each calendar year. Requires the policies to be forwarded to each school board of a school district, charter school, and day care center in the State within 6 months after the Act's effective date and to be implemented by those entities within 6 months after receiving the policies. Provides that the policies shall be updated at least once every 3 years. Contains other provisions. Effective July 1, 2021.

LRB102 04076 CPF 14092 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Childhood Anaphylactic Policy Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Public Health.

8 "State Board" means the State Board of Education.

9 Section 10. Anaphylactic policy for school districts and
10 day care centers.

11 (a) The Department, in consultation with the State Board,
12 shall establish an anaphylactic policy for school districts
13 setting forth guidelines and procedures to be followed both
14 for the prevention of anaphylaxis and during a medical
15 emergency resulting from anaphylaxis. The policy shall be
16 developed after consultation with representatives of pediatric
17 physicians, school nurses, other health care providers with
18 expertise in treating children with anaphylaxis, parents of
19 children with life threatening allergies, school
20 administrators, teachers, school food service directors, and
21 appropriate not-for-profit corporations representing allergic
22 individuals at risk for anaphylaxis.

1 (b) The Department, in consultation with the Department of
2 Children and Family Services, shall establish an anaphylactic
3 policy for day care centers setting forth guidelines and
4 procedures to be followed both for the prevention of
5 anaphylaxis and during a medical emergency resulting from
6 anaphylaxis. The policy shall be developed after consultation
7 with representatives of pediatric physicians and other health
8 care providers with expertise in treating children with
9 anaphylaxis, parents of children with life threatening
10 allergies, day care administrators and personnel, and
11 appropriate not-for-profit corporations representing allergic
12 individuals at risk for anaphylaxis. The Department, in
13 consultation with the Department of Children and Family
14 Services, shall create informational materials detailing the
15 anaphylactic policy to be distributed to day care centers.

16 (c) In establishing policies under this Section, the
17 Department shall consider existing requirements and current
18 and best practices for schools and day care centers regarding
19 allergies and anaphylaxis. The Department shall also consider
20 the voluntary guidelines for managing food allergies in
21 schools and early care and education programs issued by the
22 United States Department of Health and Human Services, to the
23 extent appropriate for the setting.

24 (d) The Department shall create informational materials
25 detailing the anaphylactic policies under this Section and
26 distribute them to the school boards of school districts,

1 charter schools, and day care centers. The Department shall
2 make the materials available on the Department's website.

3 Section 15. Policy requirements. The anaphylactic policies
4 established under Section 10 of this Act shall include the
5 following:

6 (1) A procedure and treatment plan, including
7 emergency protocols and responsibilities for school nurses
8 and other appropriate school and day care personnel, for
9 responding to anaphylaxis.

10 (2) A training course for appropriate school and day
11 care personnel on preventing and responding to
12 anaphylaxis. The Department shall, in consultation with
13 the Department of Children and Family Services and the
14 State Board, consider existing training programs for
15 responding to anaphylaxis in order to avoid duplicative
16 training requirements. A preexisting program shall fulfill
17 the requirement for a training course pursuant to this
18 paragraph if the standards of the preexisting program are
19 deemed by the Department to be at least as stringent as the
20 standards adopted by the Department in the development of
21 the training course by the State.

22 (3) A procedure and appropriate guidelines for the
23 development of an individualized emergency health care
24 plan for children with a food or other allergy that could
25 result in anaphylaxis.

1 (4) A communication plan for intake and dissemination
2 of information provided by the State regarding children
3 with a food or other allergy that could result in
4 anaphylaxis, including a discussion of methods,
5 treatments, and therapies to reduce the risk of allergic
6 reactions, including anaphylaxis.

7 (5) Strategies for reducing the risk of exposure to
8 anaphylactic causative agents, including food and other
9 allergens.

10 (6) A communication plan for discussion with children
11 that have developed adequate verbal communication and
12 comprehension skills and with the parents or guardians of
13 all children about foods that are safe and unsafe and
14 about strategies to avoid exposure to unsafe food.

15 Section 20. Notification. At least once each calendar
16 year, schools and day care centers shall send a notification
17 to the parents or guardians of all children under the care of
18 the schools or day care centers to make them aware of the
19 anaphylactic policies, as developed by the Department. For
20 children under the care of day care centers, the notification
21 shall be provided by the day care center when the child is
22 enrolled and annually thereafter. The notification shall
23 include contact information for parents and guardians to
24 engage further with the school or day care center to learn more
25 about individualized aspects of the policies.

1 Section 25. Forwarding; implementation. At least 6 months
2 after the effective date of this Act, the anaphylactic
3 policies established under Section 10 shall be jointly
4 forwarded by the Department and the State Board or the
5 Department of Children and Family Services, as appropriate, to
6 each school board of a school district, charter school, and
7 day care center in the State. Each such entity shall implement
8 or update, as appropriate, its anaphylactic policy in
9 accordance with those developed by the State within 6 months
10 after receiving the anaphylactic policies.

11 Section 30. Updating anaphylactic policies. The
12 anaphylactic policies established under Section 10 shall be
13 updated at least once every 3 years or more frequently if the
14 Department determines it to be necessary or desirable for the
15 protection of children with a food allergy or other allergy
16 that could result in anaphylaxis.

17 Section 99. Effective date. This Act takes effect July 1,
18 2021.