

SENATE No. 2398

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

Senate, October 17, 2019

The committee on Education, to whom was referred the petition (accompanied by bill, Senate, No. 255) of Cynthia Stone Creem, Denise Provost, Sal N. DiDomenico, James B. Eldridge and other members of the General Court for legislation to establish food allergy plans,- reports the accompanying bill (Senate, No. 2398).

For the committee,
Jason M. Lewis

SENATE No. 2398

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to establish food allergy plans..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Chapter 71 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting the following new section:-

3 Section 37S.

4 (a) For the purposes of this section the following terms shall, unless the context clearly
5 requires otherwise, have the following meaning:-

6 "Approved private day or residential school", a school that accepts, through agreement
7 with a school committee, a child requiring special education pursuant to section 10 of chapter
8 71B.

9 "Department", the department of elementary and secondary education.

10 "Food Allergy", adverse health effect arising from a specific immune response that
11 occurs reproducibly on exposure to a given food

12 "Food Allergy Management and Prevention Plan", a comprehensive plan to manage and
13 prevent food allergies in schools

14 "Individualized Health Care Plan", a plan based on information provided by the primary
15 care provider or allergist, including, but not limited to, the following: the student's name,
16 methods of identifying the student, specific offending allergens, warning signs of reactions and
17 emergency treatment.

18 (b) (i) Every school district, approved private day or residential school and education
19 collaborative in which a student with life-threatening food allergies is enrolled shall maintain a
20 Food Allergy Management and Prevention Plan ("Plan") to address food allergy safety and
21 training. Districts included in this requirement shall draft the Plan and share with the guardian of
22 a student with life-threatening food allergies within 30 days of notice of enrollment or the first
23 day of said student's attendance, whichever is sooner. The plan shall apply to members of
24 school staff, including, but not limited to, educators, administrators, school nurses, cafeteria
25 workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity,
26 paraprofessionals, and substitute personnel. The plan shall be updated at least biennially, as long
27 as at least one student with severe food allergies is enrolled.

28 (ii) Each plan shall include, but not be limited to: (i) protocols for identification of
29 students with known food allergies, including medical documentation; (ii) policies for the daily
30 management of food allergies for individual students; (iii) strategies and policies to reduce
31 exposure to allergens for students with food allergies; (iv) clear procedures for treating allergic
32 reactions for students with both known and unknown allergies; (v) policies for treating allergic
33 reactions when a school nurse is available onsite and when no school nurse is available; (vi)

34 strategies for treating allergic reactions during extracurricular activities or non-school hour
35 events (vii) policies for school nurses to develop Individualized Health Care Plans (IHCP) for
36 students with food allergies; (viii) professional development for school personnel and staff
37 members on food allergies; and (ix) notification to parents and students of food allergy policies
38 and practices.

39 (iii) The plan shall include a provision for professional development to build the skills of
40 all staff members, including, but not limited to, educators, administrators, school nurses,
41 cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities
42 and paraprofessionals. The content of such professional development shall include but not be
43 limited to: (i) training on reducing exposure to food allergens for students with allergies; (ii)
44 techniques for food allergy management of students with food allergies; (iii) recognizing the
45 symptoms of a severe allergic reaction; and, (iv) for appropriate staff, training and testing for
46 competency in epinephrine administration. The department shall identify and offer information
47 on alternative methods for fulfilling the professional development requirements of this section, at
48 least 1 of these alternative methods shall be available at no cost. (iv) The plan shall be posted on
49 the website of the school district, charter school, non-public school, approved private day or
50 residential school and education collaborative.

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

53 (c) The department, in consultation with the department of public health and experts in
54 the field of food allergies shall: (i) periodically update and share with school districts the
55 Managing Life-Threatening Allergies in Schools guidelines on food allergies or successor

56 document; (ii) publish model plans for school districts to consider when creating their plans
57 pursuant to paragraphs (ii) through (iii) of subsection (b); and (iii) compile a list of food allergy
58 resources, best practices and research that shall be made available to schools. The department
59 shall biennially update the model plan and the list of the resources, curricula, best practices and
60 research and shall post them on its website; provided however, that the department shall solicit
61 public comment prior to establishing the guidelines.

62 SECTION 2. Chapter 111 of the General Laws, as appearing in the 2018 official Edition,
63 is hereby amended by inserting the following new section:-

64 Section 236. The department of public health is hereby authorized to establish a program
65 to combat food allergies and raise awareness of the prevalence and danger of food allergies. Said
66 program may be conducted in conjunction with any foundation or scientific organization,
67 hospital or medical school, with an agency of the federal government, or nationally recognized
68 nonprofit or educational organization or entity recognized for research or education in the field
69 of food allergies.