

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3653

(SENATE AUTHORS: BOLDON)

DATE
02/15/2024

D-PG

Introduction and first reading
Referred to Education Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education; requiring schools to adopt a major food allergen policy;
1.3 proposing coding for new law in Minnesota Statutes, chapter 121A.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [121A.2208] FOOD ALLERGENS.

1.6 Subdivision 1. Major food allergen. For purposes of this section, "major food allergen"
1.7 means:

1.8 (1) milk;

1.9 (2) eggs;

1.10 (3) fish;

1.11 (4) crustacean shellfish;

1.12 (5) tree nuts;

1.13 (6) wheat;

1.14 (7) peanuts;

1.15 (8) soybeans; and

1.16 (9) sesame.

1.17 Subd. 2. Model policy. The commissioner of education must adopt a model policy to
1.18 reduce the risk of exposure to anaphylactic major food allergens in classrooms and common
1.19 areas in schools. The model policy must:

1.20 (1) identify the roles and responsibilities of parents, administrators, and school staff;

2.1 (2) emphasize communication and collaboration among school staff, students, and
2.2 parents, including:

2.3 (i) notification of a student's anaphylactic allergy to teachers and other school staff who
2.4 come into contact with the student; and

2.5 (ii) notification to parents and students about measures the school is taking to avoid
2.6 exposure to major food allergens;

2.7 (3) provide information to parents about 504 plans and their applicability to students
2.8 with anaphylactic allergies;

2.9 (4) designate school areas that are food-free;

2.10 (5) designate tables in the cafeteria to be used by students with anaphylactic allergies
2.11 that are free of foods containing the major food allergens of the student users;

2.12 (6) include guidelines for who may use or accompany students using tables free of major
2.13 food allergens;

2.14 (7) promote hand washing and other methods for the safe handling of food;

2.15 (8) provide guidelines for the handling of food on school-provided transportation;

2.16 (9) provide guidelines designed to ensure that students with anaphylactic allergies are
2.17 able to participate in school events, after-school activities, and field trips;

2.18 (10) provide guidance for food distribution by outside public or private individuals,
2.19 groups, and entities holding functions on school grounds; and

2.20 (11) identify strategies to reduce bullying and harassment of students with anaphylactic
2.21 allergies.

2.22 Subd. 3. **District requirements.** (a) A school district or charter school must either adopt
2.23 the model policy under subdivision 2, or adopt a different policy that meets the requirements
2.24 of subdivision 2. The policy must be posted on the district or charter school website.

2.25 (b) A school district or charter school must, within a reasonable time in advance of
2.26 service, disclose to students and parents the foods served in the school and the major food
2.27 allergens contained in the food. The disclosure may be by direct electronic or physical
2.28 message to the school community, or posted on the district or charter school website.

2.29 (c) The principal or other person having administrative control over a school that has
2.30 an enrolled student who has been identified to the school as having an anaphylactic allergy
2.31 must:

3.1 (1) monitor and implement, as necessary, strategies to reduce the risk of exposure to
3.2 major food allergens in classrooms and common areas of the school; and

3.3 (2) monitor and implement the policy established by the school board under this
3.4 subdivision.

3.5 **EFFECTIVE DATE.** This section is effective July 1, 2024.