SENATE DOCKET, NO. 899 FILED ON: 1/18/2023

SENATE . . . . . No. 250

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish food allergy plans.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Cynthia Stone Creem	*Norfolk and Middlesex*	
Vanna Howard	*17th Middlesex*	*1/30/2023*

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SENATE . . . . . No. 250

By Ms. Creem, a petition (accompanied by bill, Senate, No. 250) of Cynthia Stone Creem and Vanna Howard for legislation to establish food allergy plans. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *299* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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:

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

Section 37S.

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

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

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

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

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

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

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

(ii) Each plan shall include, but not be limited to: (i) protocols for identification of students with known food allergies, including medical documentation; (ii) policies for the daily management of food allergies for individual students; (iii) strategies and policies to reduce exposure to allergens for students with food allergies; (iv) clear procedures for treating allergic

reactions for students with both known and unknown allergies; (v) policies for treating allergic reactions when a school nurse is available onsite and when no school nurse is available; (vi) strategies for treating allergic reactions during extracurricular activities or non-school hour events (vii) policies for school nurses to develop Individualized Health Care Plans (IHCP) for students with food allergies; (viii) professional development for school personnel and staff members on food allergies; and (ix) notification to parents and students of food allergy policies and practices.

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

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

(c) The department, in consultation with the department of public health and experts in the field of food allergies shall: (i) periodically update and share with school districts the Managing Life-Threatening Allergies in Schools guidelines on food allergies or successor document; (ii) publish model plans for school districts to consider when creating their plans pursuant to paragraphs (ii) through (iii) of subsection (b); and (iii) compile a list of food allergy resources, best practices and research that shall be made available to schools. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website; provided however, that the department shall solicit public comment prior to establishing the guidelines.

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

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