

## Chapter 273

**(House Bill 1195)**

AN ACT concerning

**Child Care Providers – Anaphylactic Food Allergies – Guidelines and Indemnity  
(Elijah’s Law)**

FOR the purpose of requiring the State Department of Education and the Maryland Department of Health jointly to develop guidelines to reduce the risk of exposure to anaphylactic major food allergens in child care settings; requiring the State Department of Education to create a certain model policy based on certain guidelines; requiring certain large family child care homes and child care centers to develop and adopt a certain policy on reducing the risk of exposure to anaphylactic major food allergens in child care settings; establishing that certain child care providers and employees are immune from civil liability under certain circumstances for actions related to responding to a child’s anaphylactic reaction; and generally relating to a policy on anaphylactic food allergies and child care providers.

BY adding to

Article – Education

Section 9.5–117

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Education****9.5–117.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “ANAPHYLACTIC ALLERGY” HAS THE MEANING STATED IN § 7–426.1 OF THIS ARTICLE.**

**(3) “AUTO-INJECTABLE EPINEPHRINE” HAS THE MEANING STATED IN § 7–426.2 OF THIS ARTICLE.**

**(4) “MAJOR FOOD ALLERGEN” HAS THE MEANING STATED IN § 7–426.1 OF THIS ARTICLE.**

**(B) (1) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH JOINTLY SHALL DEVELOP GUIDELINES TO REDUCE THE RISK OF EXPOSURE TO ANAPHYLACTIC MAJOR FOOD ALLERGENS IN CHILD CARE SETTINGS.**

**(2) THE GUIDELINES DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL IDENTIFY AT LEAST ONE FREE TRAINING RESOURCE ON REDUCING THE RISK OF EXPOSURE TO ANAPHYLACTIC MAJOR FOOD ALLERGENS THAT IS APPROPRIATE FOR CHILD CARE PROVIDERS.**

**(C) BASED ON THE GUIDELINES DEVELOPED IN SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP A MODEL POLICY FOR CHILD CARE PROVIDERS THAT, AT MINIMUM, INCLUDES:**

**(1) EMERGENCY PROTOCOLS, INCLUDING COMPREHENSIVE GUIDELINES FOR STORAGE AND ADMINISTRATION OF EPINEPHRINE;**

**(2) CROSS-CONTAMINATION PREVENTION STRATEGIES; AND**

**(3) ~~STAFF NOTIFICATION~~ NOTIFICATION OF A CHILD'S ANAPHYLACTIC ALLERGY;~~AND~~**

**~~(4) CLEANING AND HAND WASHING TO:~~**

**(I) STAFF WHO COME INTO CONTACT WITH THE CHILD; AND**

**(II) CHILD CARE PROVIDER ADMINISTRATORS.**

**(D) THE DEPARTMENT SHALL POST THE GUIDELINES, MODEL POLICY, AND TRAINING RESOURCES DEVELOPED UNDER THIS SECTION ON THE DEPARTMENT'S WEBSITE.**

**(E) (1) THIS SUBSECTION APPLIES TO THE FOLLOWING REGISTRANTS OR LICENSEES THAT HAVE AT LEAST ONE ENROLLED CHILD WITH A FOOD ALLERGY:**

**(I) A LARGE FAMILY CHILD CARE HOME REGISTERED UNDER SUBTITLE 3 OF THIS TITLE; AND**

**(II) A CHILD CARE CENTER LICENSED UNDER SUBTITLE 4 OF THIS TITLE.**

**(2) A REGISTERED LARGE FAMILY CHILD CARE HOME AND LICENSED CHILD CARE CENTER SHALL:**

**(I) ADOPT AND IMPLEMENT A POLICY ON REDUCING THE RISK OF EXPOSURE TO ANAPHYLACTIC MAJOR FOOD ALLERGENS IN CHILD CARE SETTINGS IN ACCORDANCE WITH THE GUIDELINES DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION;**

**(II) MONITOR UPDATES TO THE DEPARTMENT’S GUIDELINES AND UPDATE THE POLICY IN ACCORDANCE WITH THE DEPARTMENT’S REVISIONS; AND**

**(III) PROVIDE A COPY OF THE POLICY TO THE PARENT OR GUARDIAN OF EACH ENROLLED CHILD EACH YEAR.**

**(F) EXCEPT FOR ANY WILLFULLY OR GROSSLY NEGLIGENT ACT, A CHILD CARE PROVIDER OR AN EMPLOYEE OF A CHILD CARE PROVIDER WHO RESPONDS IN GOOD FAITH TO THE ANAPHYLACTIC REACTION OF A CHILD IN ACCORDANCE WITH THE GUIDELINES IMPLEMENTED UNDER THIS SECTION OR BY USE OF AUTO-INJECTABLE EPINEPHRINE ~~MAY NOT BE HELD PERSONALLY LIABLE~~ IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE REACTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

**Approved by the Governor, April 25, 2024.**