



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 154
Public Schools – Anaphylactic Food Allergies – Guidelines and Requirements**

Tens of thousands of Maryland children have a severe food allergy and many of these students face life-threatening anaphylactic shock when exposed to their allergen.¹ An ounce of prevention is worth a pound of cure in terms of food allergies. This bill would ensure that all public school districts have developed guidelines regarding safety and wellbeing of students with a life-threatening food allergy.

Food Allergies Can Be Deadly

Food allergies impact about 8% of children in the United States.² Allergic reactions can be life-threatening, as anaphylaxis can occur within minutes of exposure, causing blood pressure to drop and constriction of airways. Without emergency treatment, anaphylaxis can be deadly.³

Research shows that children are at the highest risk for anaphylaxis and suffering a fatal allergic reaction.⁴ Additionally, the prevalence of food allergies has increased among young people in recent decades.⁵ These trends have resulted in more kids having an allergic reaction at school, with an estimated 18% of children with a food allergy having an allergic reaction in a school setting.⁶ One in four of these students had no previous known food allergy.^{7,8}

¹ “The Public Health Impact of Parent-Reported Childhood Food Allergies in the United States.” Gupta, et al.. Pediatrics, 2018. <https://doi.org/10.1542/peds.2018-1235>

² “Food Allergies.” Centers for Disease Control and Prevention.

³ “Education: Anaphylaxis.” Food Allergy Research and Education.

⁴ “Further fatalities caused by anaphylactic reactions to food, 2001-2006.” Bock, et al. Journal of Allergy and Clinical Immunology. <https://pubmed.ncbi.nlm.nih.gov/17306354/>

⁵ Food allergy among U.S. children: trends in prevalence and hospitalizations.” Branum, et al. National Center for Health Statistics, 2008. <https://www.cdc.gov/nchs/products/databriefs/db10.htm>

⁶ “Food-allergic reactions in schools and preschools.” Nowak-Wegrzyn, et al. Archives of Pediatrics & Adolescent Medicine, 2001. <https://pubmed.ncbi.nlm.nih.gov/11434845/>

⁷ “Administration of epinephrine for life-threatening allergic reactions in school settings.” McIntyre, et al. American Academy of Pediatrics, 2005. <https://pubmed.ncbi.nlm.nih.gov/16264000/>

⁸ “The US Peanut and Tree Nut Allergy Registry: characteristics of reactions in schools and day care.” Sicherer, et al. Journal of Pediatrics, 2001. <https://pubmed.ncbi.nlm.nih.gov/11295721/>

Because of the impacts to a person's health, a severe food allergy is considered a disability under the Americans with Disabilities Act and students may be eligible for a 504 plan to ensure their safety needs at school are met.

Recommended Actions for Schools

Given the potentially deadly nature of severe food allergies, it's essential that schools take preventative action to avoid medical emergencies and the loss of life.

To that end, there are several simple policies and procedures school districts can adopt to reduce food allergy risks.

The Centers for Disease Control and Prevention developed voluntary guidelines for schools for allergy risk management. Those guidelines include designating allergen-free zones in schools, promoting handwashing, stocking emergency epinephrine, and training staff to use EpiPens to counter anaphylactic shock.⁹

Additionally, several national organizations representing school boards, school nurses, principals, and nutritionists collaborated to develop complementary guidelines that outline the responsibilities of schools, students, and parents in practicing effective food allergy management.¹⁰

The Maryland State Departments of Education and Health also issued voluntary guidance on food allergies in schools.¹¹

Actions by Maryland Schools

Notably, the Maryland state guidance anticipated that school districts would develop their own guidelines: "It is intended that these guidelines will be used by the local school systems in developing local school health services policies and procedures as a means to assist local school health services programs in providing consistent and safe care to the students of Maryland."¹¹

⁹ "Voluntary Guidelines for Managing Food Allergies In Schools and Early Care and Education Programs," 2013, CDC. https://www.cdc.gov/healthyschools/foodallergies/pdf/20_316712-A_FA_guide_508tag.pdf

¹⁰ "School Guidelines for Managing Students With Food Allergies." NSBA, FARE, et al. https://www.wrightslaw.com/info/allergy/FARE_NSBA_SchoolGuidelines.pdf

¹¹ "Management of Students at Risk for Anaphylactic Reaction," 2009, State of Maryland. http://wcpsmd.com/sites/default/files/documents/anaphylactic_guidelines.pdf

One-third of Maryland's 24 public school districts, however, have not adopted a policy or procedures regarding students with severe food allergies. Moreover, many districts' policies are focused on administration of epinephrine medication and lack details on prevention of allergic reactions.¹² Districts should adopt or revise their guidelines to ensure that school principals—who are charged under existing state law with providing accommodations to students with severe food allergies—have the guidance they need without needing to reinvent the wheel.

Additionally, students and families need to know if their food allergen is present in the food served by the school cafeteria. Many, but not all, Maryland public school districts already provide this information on their website or through an app. Families need to be able to plan ahead and ensure that it's safe for the student to eat school lunch on a given day.

There are approximately 27,500 public school students with a life-threatening food allergy in Maryland¹³ and students and families need more consistency and transparency in planning for student safety while in school. The State of Illinois recognized this need by enacting legislation to require food allergy plans in schools.

What This Bill Does

- Requires every public school district to develop and implement safety guidelines for students with a severe food allergy. This would provide school staff with baseline requirements to protect students' safety and give families clear expectations on accommodations for their students.
- Requires school districts to disclose the top 9 major allergens in foods served by the school cafeteria.

¹² School districts with a food allergy policy: Allegany, Anne Arundel, Baltimore City, Baltimore County, Calvert, Caroline, Cecil, Garrett, Howard, Frederick, Montgomery, Prince George's, Somerset, St. Mary's, Washington, and Worcester Counties

¹³ Estimate based on: Maryland public school enrollment for K-12 in 2019-2020 was 909,414; 7.6% of adolescents have a food allergy and 40% of those children have a severe food allergy.