



THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB 78 Public Schools – Anaphylactic Food Allergies – Guidelines

This bill would ensure that all public school districts develop guidelines regarding safety and wellbeing of the thousands of students with a life-threatening food allergy.

Food Allergies Can Be Deadly

Food allergies impact about 8% of children in the United States, a proportion that has grown in recent decades.^{1,2} Unfortunately, an estimated 18% of children with a food allergy have had an allergic reaction in a school setting.³

Allergic reactions can be life-threatening for students with a severe allergy. Consequently, 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. To that end, there are several simple policies and procedures school districts can adopt to reduce food allergy risks, such as designating allergen-free zones in schools, promoting handwashing, stocking emergency epinephrine, and training staff to use EpiPens to counter anaphylactic shock.⁴ Experts also recommend outlining the responsibilities of schools, students, and parents in practicing effective food allergy management.⁵

¹ "Food Allergies." Centers for Disease Control and Prevention.

² 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>

³ "Food-allergic reactions in schools and preschools." Nowak-Wegrzyn, et al. Archives of Pediatrics & Adolescent Medicine, 2001. <https://pubmed.ncbi.nlm.nih.gov/11434845/>

⁴ "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

⁵ "School Guidelines for Managing Students With Food Allergies." NSBA, FARE, et al. <https://www.wrightslaw.com/info/allergy/FARE.NSBA.SchoolGuidelines.pdf>

Action Needed by Maryland Public Schools

In 2009, the Maryland State Departments of Education and Health issued voluntary guidance on food allergies in schools.⁶ Notably, that 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.”

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.⁷ Districts should adopt or revise 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 Maryland⁸ and students and families need more consistency and transparency in planning for student safety while in school.

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 most common allergens in foods served by the school cafeteria.

This legislation passed the House unanimously in the 2022 session.

⁶ “Management of Students at Risk for Anaphylactic Reaction,” 2009, State of Maryland.
http://wcpsmd.com/sites/default/files/documents/anaphylactic_guidelines.pdf

⁷ 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

⁸ 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.