



STATEMENT OF FARE (Food Allergy Research and Education) before the
Maryland Senate Education, Energy, and the Environment Committee
March 27, 2024

Position: **FAVORABLE HB 1195 – Child Care Providers – Anaphylactic Food Allergies –
Guidelines and Indemnity (Elijah’s Law)**

Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and the Environment Committee:

[FARE](#) (Food Allergy Research and Education), the nation’s leading non-profit organization engaged in food allergy advocacy and the largest private funder of food allergy research, strongly supports Del. Palakovich Carr’s legislation, HB 1195 – Child Care Providers – Anaphylactic Food Allergies – Guidelines and Indemnity (Elijah’s Law) on behalf of the approximately 29,000 Maryland children ages 0 to 5 with potentially life-threatening food allergies according to July 2023 census data.

Life-threatening food allergies are on the rise as the [Centers for Disease Control and Prevention \(CDC\)](#) found that over the past 20 years, the rates of children with food allergies has grown by 50% and for children with a peanut or tree nut allergy, it has tripled. Life-threatening food allergies and the risk of fatal [anaphylaxis](#) are growing at an even faster rate among [African-American, Latino, and Asian-American children](#). [The CDC has also found that food allergies impact nearly 8% of all children](#).

While food allergies are on the rise nationally, a [2020 study](#) found that children on Medicaid were less than one-tenth as likely as children on private health insurance to be diagnosed with a food allergy. This is especially troubling in Maryland as the Kaiser Family Foundation found in 2023 that [approximately 37.5% of the state’s children are on Medicaid/CHIP](#).

As you might imagine, this combination of underdiagnosis coupled with the dramatic increase in food allergy prevalence has led to two startling results: “Up to 25% of children with food allergies have their [first reaction at a child care or school setting](#)” and a [2016 study](#) reported that 25% of all anaphylactic attacks occurred in children with “no known food allergies.”

The dramatic rise of food allergies among the youngest and most vulnerable Marylanders – babies, toddlers, and children – means that parents and caregivers must be able to trust that the employees and volunteers providing day care are prepared and trained on how best to protect children with food allergies.

HB 1195 addresses this problem and builds on legislation that Del. Palakovich Carr introduced last year, [HB 78](#), that was supported by this Committee and signed into law. HB 78 tasked the state’s Department of Health and Department of Education to develop policies to reduce the risk of exposure to allergens at schools and HB 1195, now extends this responsibility to include the state’s more than 5,000 licensed child care providers.

HB 1195 is a solid step forward and offers a “win-win” for both food allergy parents and guardians and the state’s licensed child care providers because according to the Fiscal and Policy note, the bill will have no effect on state and local governments and a minimum one on small businesses. In addition, FARE offers for free on its training platform, Food Allergy Academy, an accredited course entitled, “[Stop. Look. Ask. Go.](#)”

[Food Allergy Education for Early Childhood Professionals](#)” used to educate child care providers in other states that have passed similar legislation referred to as “Elijah’s Law.”

This legislation was borne out of a child care tragedy in 2017 that took the life of three-year-old Elijah Silvera in New York. Elijah suffered an anaphylactic reaction after he took a bite of a grilled cheese sandwich at his daycare even though Elijah’s parents previously informed staff about their son’s life-threatening milk allergy and provided documents, instructions, and medicine on managing a food allergy emergency.

We are grateful that Del. Palakovich Carr and members of this Committee understand the importance that by passing HB 1195, we can ensure that the tragedy that took the life of Elijah Silvera does not happen here in Maryland.

FARE asks for a favorable report.

Thank you.

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