



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 1195  
Child Care Providers - Anaphylactic Food Allergies - Guidelines and Indemnity  
(Elijah's Law)**

This bill would protect the health and lives of children in child care by ensuring that child care providers are adequately informed and prepared to prevent life-threatening allergic reactions among the children they care for.

This bill builds upon our work from last year, when we passed [HB 78](#) to require the Maryland State Department of Education (MSDE) and the Maryland Department of Health (MDH) to jointly develop guidelines to reduce the risk of exposure to major food allergens in schools. The law also requires each county board of education to develop and implement a policy to protect K-12 students who have a severe food allergy.

Similarly, this bill requires MSDE and MDH to jointly develop guidelines to reduce the risk of exposure to major food allergens in child care settings and requires certain child care providers to adopt and implement a policy regarding food allergies. The bill would apply only to large family child care homes and child care centers.

HB 1195 passed the House of Delegates unanimously and is modeled after laws adopted in other states, including Virginia, New York, and Illinois.

**Food Allergies Can Be Deadly**

Food allergies impact about 8% of children in the United States, a proportion that has grown in recent decades.<sup>1,2</sup> Unfortunately, up to 25% of children with food allergies have their first reaction at a child care or school setting.<sup>3</sup>

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<sup>1</sup> "Food Allergies." Centers for Disease Control and Prevention.

<sup>2</sup> 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>

<sup>3</sup> [Food Allergies in Childcare Centers | Center for Managing Chronic Disease](#)

Allergic reactions can be life-threatening for children 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.

### **What the Bill Does**

The bill requires MSDE and MDH to jointly develop risk-reduction guidelines for child care providers—which shall include at least one free training resource for child care providers—as well as a model policy for use by child care facilities.

Under the bill, large family child care homes and child care centers would be required to do the following:

- Adopt and implement a policy on reducing the risk of exposure to major food allergens. A provider could use the model policy provided by MSDE and MDH.
- Provide a copy of the policy to the parent or guardian of each enrolled child each year.

The bill provides good samaritan protection that would ensure that, except for any willfully or grossly negligent act, a child care provider or employee who administers epinephrine in good faith to treat the anaphylactic reaction of a child is immune from civil liability. This mirrors existing good samaritan protections for public school personnel who respond to anaphylaxis in school settings.