



**MARYLAND
CATHOLIC
CONFERENCE**

February 28, 2024

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

House Ways & Means Committee

Position: INFORMATION w/ Amendment

The Maryland Catholic Conference offers this informational testimony with amendments to House Bill 1195. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

House Bill 1195 requires child care centers to adopt and implement policies on reducing the risk of exposure to anaphylactic major food allergens. The guidelines would be developed at the discretion of the Maryland State Department of Education. The bill also dictates that, except for any willfully or grossly negligent act, a child care provider who responds in good faith to the anaphylactic reaction of a child in accordance with the guidelines implemented pursuant to the bill's requirements or by use of auto-injectable epinephrine may not be held personally liable for any act or omission in the course of responding to the reaction.

Catholic parishes and other entities operate dozens of child care centers in Maryland. Our Catholic schools currently have very strong model policies for the storage and deployment of EpiPens, as well as other allergy-related policies. However, if the "emergency protocols" dictated in the bill are deemed by MSDE to include a sweeping policy on general use pens, the securing, storing, monitor, and implementing general use pens may be very difficult and costly over time.

Additionally, the indemnification clause in this legislation as written could prove very costly for child care providers from an insurance prospective, depending on how a court might interpret the same. The liability clause only covers "personal" liability and not expressly that of the provider. We respectfully request this be made more clear to apply to the provider-employer.

Thus, we respectfully urge the following amendments to House Bill 1195:

Amendments to House Bill 1195

Amendment No. 1

On Page 3, line 13, after “PROVIDER”, insert “OR THEIR EMPLOYEE”

Amendment No. 2

On Page 3, line 16, strike “PERSONALLY”.