

BILL: House Bill 78
TITLE: Public Schools - Anaphylactic Food Allergies - Guidelines and Requirements
DATE: January 24, 2023
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Ways and Means
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The Maryland Association of Boards of Education (MABE) supports House Bill 78 with amendments to clarify that school systems would be required to update their local policies and adopt any new procedures only after the state school health service guidelines have been updated.

Local boards of education and school system employees recognize the importance of adopting and implementing policies and procedures to minimize the risks to students of the life-threatening consequences of severe allergic reactions. The sources of these allergic reactions are typically foods which are quite common in school meals, and the homes and bagged lunches of fellow students, and therefore can and do present serious daily challenges.

MABE supports this legislation to the extent that it mandates alignment of local school system policies and procedures with updated school health guidelines developed by the Maryland State Department of Education (MSDE) and the Maryland Department of Health (MDH). This bill would codify that updated state guidelines include a significant array of procedures designed to reduce the risks to students of anaphylactic allergic reactions caused by exposure to sources of severe allergic reactions in the school setting. Specifically, the new guidelines must reflect the nine types of food allergens identified by the federal Food and Drug Administration (FDA), require modes of the public notices of school meal ingredients, and other procedures.

School health policy matters are inherently complex, involving the medical expertise of school health and other medical professionals, and the input of school administrators responsible for school operations. Therefore, MABE consistently advocates that school health policy matters are most appropriately reflected in state and local policies based on the school health guidelines issued by MSDE and MDH, rather than through prescriptive legislation. Under House Bill 78, it is the Maryland State School Health Service Guidelines for the Management of Students at Risk for Anaphylactic Reaction, last updated in 2009, which would be updated to guide the school health and food service policies and procedures carried out in each of the 24 local school systems. In this context, MABE supports the approach taken in this bill which is clearly consistent with the need to update not only the guidance but also the statute to reflect the fact that school-based practices address more than peanut and tree-nut allergies.

MABE assures the committee that school principals, nurses, and all staff take very seriously the responsibility to protect the health and welfare of all students, but especially those who are coping with the profound health risks associated with anaphylactic allergic reactions.

For these reasons, MABE requests a favorable report on House Bill 78, with the amendment described above.

MABE requests the following amendment to House Bill 78:

On page 4 after line 27 insert:

SECTION 2. AND BE IT FURTHER ENACTED, that the Maryland State Department of Education and Maryland Department of Health shall jointly develop Maryland State School Health Service Guidelines to Reduce the Risk of Exposure to Anaphylactic Causative Agents in Classrooms and Common Areas in accordance with Section 7-426.1 of the Education Article. Following final approval of these updated State Guidelines, county boards shall develop and adopt local guidelines in accordance with the State Guidelines and Section 7.426.1 of the Education Article to be implemented in the next school year.

On page 4 in line 28 replace "2" with "3".