
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 819 Session of
2023

INTRODUCED BY GIRAL, GUENST, SANCHEZ, HANBIDGE, PARKER, MADDEN,
NEILSON, CIRESI AND N. NELSON, APRIL 3, 2023

REFERRED TO COMMITTEE ON HUMAN SERVICES, APRIL 3, 2023

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in departmental powers and
4 duties as to licensing, further providing for definitions and
5 providing for food allergy guidelines.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 1001 of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Human Services Code, is amended by adding a
10 definition to read:

11 Section 1001. Definitions.--As used in this article--

12 * * *

13 "Anaphylaxis" means a life-threatening allergic reaction that
14 is rapid in onset.

15 * * *

16 Section 2. The act is amended by adding a section to read:

17 Section 1021.1. Food Allergy Guidelines.--(a) No later than
18 January 1, 2024, the department, in conjunction with the
19 Department of Health, shall develop and provide guidelines to a

1 child care center for managing a child with a life-threatening
2 food allergy. The guidelines shall contain all of the following:

3 (1) Training on administering medication with a cartridge
4 injector.

5 (2) Procedures to ensure that a child's self-injectable
6 epinephrine is available to child care center personnel.

7 (3) Reasonable accommodations to reduce the risk of a child
8 being exposed to anaphylaxis-causing agents located in areas of
9 school activity.

10 (4) Protocols on responding to life-threatening allergic
11 reactions.

12 (5) Procedures for implementing an individualized health
13 care and food allergy plan.

14 (b) No later than September 30 of each year, a child care
15 center shall establish a food allergy policy in accordance with
16 the guidelines under subsection (a) and shall provide notice of
17 the policy to the parent or legal guardian of each enrolled
18 child.

19 (c) A parent or legal guardian of a child enrolled in a
20 child care center who has a known food allergy shall submit to
21 the child care center all of the following:

22 (1) A list of foods that may cause the child to have an
23 allergic reaction.

24 (2) Medication prescribed for the child to treat the food
25 allergy or anaphylaxis.

26 (3) Symptoms that may indicate the child is having an
27 allergic reaction to food.

28 (4) Emergency treatment procedures to use if the child has
29 an allergic reaction to food.

30 (5) Contact information of the individual if the child has

1 an allergic reaction to food.

2 (6) Contact information of the child's primary health care
3 provider.

4 Section 3. This act shall take effect in 60 days.