

118TH CONGRESS
1ST SESSION

S. 121

To amend the Child Nutrition Act of 1966 to require the provision of training and information to certain personnel relating to food allergy identification and response, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2023

Mr. DURBIN (for himself and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Child Nutrition Act of 1966 to require the provision of training and information to certain personnel relating to food allergy identification and response, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Children
5 with Food Allergies Act”.

1 **SEC. 2. FOOD ALLERGY TRAINING COMPLETION REQUIRE-**
 2 **MENT.**

3 Section 7(g)(2) of the Child Nutrition Act of 1966
 4 (42 U.S.C. 1776(g)(2)) is amended by adding at the end
 5 the following:

6 “(C) FOOD ALLERGY TRAINING AND CER-
 7 TIFICATION FOR ALL LOCAL FOOD SERVICE
 8 PERSONNEL.—

9 “(i) IN GENERAL.—The Secretary
 10 shall develop, in consultation with relevant
 11 stakeholder groups with food allergy exper-
 12 tise, and publish training modules and
 13 other educational materials in accordance
 14 with clause (ii).

15 “(ii) TRAINING MODULES.—A train-
 16 ing program carried out under this sub-
 17 paragraph shall include training modules
 18 relating to—

19 “(I) the prevention of allergic re-
 20 actions to food, which may include—

21 “(aa) communicating food
 22 allergen information in school
 23 menus, food products, and rec-
 24 ipes;

25 “(bb) best practices to avoid
 26 cross-contact; and

1 “(cc) the availability of ap-
2 propriate food substitutions for
3 children with food allergies;

4 “(II) the identification of food-re-
5 lated allergic reaction symptoms; and

6 “(III) the appropriate responses
7 to an allergic reaction to food.

8 “(iii) CERTIFICATION OF LOCAL PER-
9 SONNEL.—

10 “(I) IN GENERAL.—In accord-
11 ance with criteria established by the
12 Secretary, local food service personnel
13 shall complete training and receive a
14 certification to demonstrate com-
15 petence with respect to the training
16 provided under clause (ii).

17 “(II) TREATMENT.—The Sec-
18 retary may allow local food personnel
19 to apply a certification received under
20 this clause toward any other training
21 requirements under this subsection.

22 “(iv) METHODS FOR INCLUSION.—
23 The training required under this subpara-
24 graph shall be provided, as the Secretary
25 determines to be necessary, in—

1 “(I) relevant languages other
2 than English, for individuals with lim-
3 ited English proficiency; and

4 “(II) relevant alternative for-
5 mats, for individuals with disabilities
6 (as defined in section 3 of the Ameri-
7 cans with Disabilities Act of 1990 (42
8 U.S.C. 12102)).

9 “(v) AVAILABILITY TO OTHER PER-
10 SONNEL.—The Secretary shall make the
11 training provided under this subparagraph
12 available to personnel under child nutrition
13 programs not covered under this sub-
14 section, including personnel under—

15 “(I) the special milk program
16 under section 3;

17 “(II) the summer food service
18 program for children under section 13
19 of the Richard B. Russell National
20 School Lunch Act (42 U.S.C. 1761);
21 and

22 “(III) the child and adult care
23 food program under section 17 of that
24 Act (42 U.S.C. 1766).

1 “(vi) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There is authorized to be appro-
3 priated to the Secretary to carry out this
4 subparagraph \$1,000,000 for each of fiscal
5 years 2024 through 2028.”.

6 **SEC. 3. ACTIVITIES TO SUPPORT WIC-ELIGIBLE INDIVID-**
7 **UALS IMPACTED BY FOOD ALLERGIES.**

8 Section 17 of the Child Nutrition Act of 1966 (42
9 U.S.C. 1786) is amended—

10 (1) by redesignating subsections (*l*) through (*s*)
11 as subsections (*m*) through (*t*), respectively;

12 (2) by inserting after subsection (*k*) the fol-
13 lowing:

14 “(1) ACTIVITIES TO SUPPORT WIC-ELIGIBLE INDI-
15 VIDUALS IMPACTED BY FOOD ALLERGIES.—

16 “(1) IN GENERAL.—In accordance with sub-
17 section (*e*), the Secretary shall—

18 “(A) submit to the Secretary of Health
19 and Human Services for comment proposed nu-
20 trition education materials for use under sub-
21 section (*e*), which shall—

22 “(i) incorporate evidence-based find-
23 ings from the United States Dietary
24 Guidelines for Americans relating to food

1 allergies and potentially allergenic foods;
2 and

3 “(ii) include nutrition education mate-
4 rials for—

5 “(I) individuals with food aller-
6 gies during pregnancy and in the
7 postpartum period;

8 “(II) infants impacted by pre-
9 natal food allergy exposure; and

10 “(III) children with food aller-
11 gies; and

12 “(B) after submitting the materials in ac-
13 cordance with subparagraph (A), publish and
14 disseminate the materials for use under sub-
15 section (e).

16 “(2) REQUIREMENTS FOR INCLUSION.—

17 “(A) IN GENERAL.—The nutrition edu-
18 cation materials under paragraph (1) shall be
19 provided, as the Secretary determines to be nec-
20 essary, in—

21 “(i) relevant languages other than
22 English for individuals with limited
23 English proficiency; and

24 “(ii) relevant alternative formats for
25 individuals with disabilities (as defined in

1 section 3 of the Americans With Disabil-
2 ities Act of 1990 (42 U.S.C. 12102)).

3 “(B) OUTREACH.—In carrying out this
4 paragraph, the Secretary shall conduct outreach
5 to individuals who are, or may be—

6 “(i) eligible to participate in—

7 “(I) the program under this sec-
8 tion; or

9 “(II) a training program of a
10 State agency under subsection (e)(2);
11 and

12 “(ii) impacted by food allergies.

13 “(3) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to the Sec-
15 retary to carry out this subsection \$1,000,000 for
16 fiscal year 2024.”;

17 (3) in subsection (q) (as redesignated by para-
18 graph (1))—

19 (A) in paragraph (1), by striking “sub-
20 section (o)(1)(A)” and inserting “subsection
21 (p)(1)(A)”; and

22 (B) in paragraph (2)(B), by striking “sub-
23 section (o)(1)(A)” and inserting “subsection
24 (p)(1)(A)”; and

1 (4) in paragraph (5) of subsection (t) (as reded-
2 ignated by paragraph (1)), by striking “subsection
3 (r)” and inserting “subsection (s)”.

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