

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 617

Short Title: LRC Study Food Allergy & Anaphylaxis Mgmt. (Public)

Sponsors: Senator Atwater.

Referred to: Health Care.

April 19, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY
3 IMPLEMENTATION OF FEDERAL FOOD ALLERGY AND ANAPHYLAXIS
4 MANAGEMENT GUIDELINES IN PUBLIC SCHOOLS.

5 Whereas, food allergies are a potentially life-threatening medical condition that
6 afflicts approximately 12 million Americans, or one out of every 25 persons; and

7 Whereas, the Centers for Disease Control and Prevention reported an average of
8 317,000 food allergy-related, ambulatory care visits per year to emergency and outpatient
9 departments and physician's offices involving children under 18 years of age; and

10 Whereas, in a survey of 400 elementary school nurses, 44% reported an increase in
11 children with food allergies in their schools over the last five years; and

12 Whereas, peanut allergy alone tripled among children from 1997 to 2008; and

13 Whereas, all children deserve a safe and healthy learning environment; and

14 Whereas, there is no cure for food allergies; strict avoidance is the only way to
15 prevent a reaction; and

16 Whereas, the importance of managing students with food allergies has been
17 recognized by the American Medical Association, the American Academy of Pediatrics, the
18 American Academy of Allergy, Asthma and Immunology, the National Association of School
19 Nurses, the National Association of Elementary School Principals, and the National School
20 Boards Association; and

21 Whereas, in the past decade, 12 states have published statewide guidance to help
22 schools manage food-allergic students, with similar guidelines expected to be published soon in
23 three additional states; and

24 Whereas, there is a lack of consistent training guidelines at both the State and
25 federal level; and

26 Whereas, a life-threatening food allergy is a condition recognized as a disability by
27 the United States Department of Agriculture, the United States Department of Transportation,
28 and the United States Department of Education's Office for Civil Rights; and

29 Whereas, the Food Allergy and Anaphylaxis Management Act (FAAMA) was
30 signed into law on January 4, 2011; and

31 Whereas, FAAMA requires the United States Secretary of Health and Human
32 Services to develop and make available to schools a voluntary policy to manage the risks of
33 food allergy and anaphylaxis in schools; and

34 Whereas, FAAMA provides for school-based food allergy management incentive
35 grants to support implementation of food allergy management guidelines in public schools;

36 Now, therefore,

37 The General Assembly of North Carolina enacts:



1 **SECTION 1.(a)** The Legislative Research Commission shall study the feasibility
2 of implementing guidelines developed by the United States Secretary of Health and Human
3 Services in consultation with the United States Secretary of Education, pursuant to the Food
4 Allergy and Anaphylaxis Management Act, to manage the risks of food allergy and anaphylaxis
5 in all public elementary schools, public middle schools, and public high schools in this State.
6 The Commission is also authorized to investigate opportunities for local educational agencies
7 to receive grants under FAAMA to assist with implementing federal food allergy and
8 anaphylaxis management guidelines. In completing this study, the Commission shall solicit
9 input from interested parties, including parents of children with life-threatening food allergies,
10 health care professionals with experience in treating children with life-threatening food
11 allergies, the State Board of Education, and the Division of Public Health of the North Carolina
12 Department of Health and Human Services.

13 **SECTION 1.(b)** The Legislative Research Commission may make an interim
14 report on its findings and recommendations to the 2011 General Assembly when it reconvenes
15 in 2012 and shall make its final report to the 2013 General Assembly.

16 **SECTION 2.** This act is effective when it becomes law.