

SENATE BILL NO. 828

April 10, 2024, Introduced by Senators SHINK, BAYER, WOJNO, SINGH, CHANG, SANTANA, GEISS and CAVANAGH and referred to the Committee on Health Policy.

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

(MCL 722.111 to 722.128) by adding section 16a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 16a. (1) The director, in conjunction with the department**
2 **of health and human services, must establish an anaphylactic policy**
3 **for child care centers, group child care homes, and family child**

1 care homes setting forth guidelines and procedures to be followed
2 to prevent anaphylaxis and during a medical emergency resulting
3 from anaphylaxis. The policy must be developed after consultation
4 with representatives of pediatric physicians, school nurses and
5 other health care providers with expertise in treating children
6 with anaphylaxis, parents of children with life-threatening
7 allergies, licensees, program directors, child care staff members,
8 school food service directors, and appropriate nonprofit
9 corporations representing allergic individuals at risk for
10 anaphylaxis. The department must create informational material
11 detailing the anaphylactic policy to be distributed to child care
12 centers, group child care homes, and family child care homes.

13 (2) In establishing the anaphylactic policy under this
14 section, the department must consider existing requirements, as
15 well as current and best practices for child care centers, group
16 child care homes, and family child care homes on allergies and
17 anaphylaxis. The department must also consider the voluntary
18 guidelines for managing food allergies in schools and early care
19 and education programs issued by the United States Department of
20 Health and Human Services, to the extent appropriate for the
21 setting.

22 (3) The department must create informational material
23 detailing the anaphylactic policy to be distributed to child care
24 centers, group child care homes, and family child care homes. The
25 department must make the informational material available on the
26 department's website.

27 (4) The anaphylactic policy established under this section
28 must include the following:

29 (a) A procedure and treatment plan, including emergency

1 protocols and responsibilities for appropriate child care staff
2 members for responding to anaphylaxis.

3 (b) A training course for appropriate child care staff members
4 for preventing and responding to anaphylaxis. The department, in
5 consultation with the department of health and human services'
6 children services agency, must consider existing training programs
7 for responding to anaphylaxis in order to avoid duplicative
8 training requirements. The pre-existing program fulfills the
9 requirement for a training course under this section if the
10 standards of the pre-existing program are considered by the
11 department to be at least as stringent as the standards set forth
12 by the department in developing the guidelines and procedures under
13 this section.

14 (c) The appropriate guidelines and procedure for developing an
15 individualized emergency health care plan for a child with a food
16 or other allergy that could result in anaphylaxis.

17 (d) A communication plan for intake and disseminating
18 information provided by the state regarding children with a food or
19 other allergy that may result in anaphylaxis, including discussing
20 methods, treatments, and therapy to reduce the risk of allergic
21 reaction, including anaphylaxis.

22 (e) A strategy for reducing the risk of exposure to
23 anaphylactic causative agents, including food and other allergens.

24 (f) A communication plan for discussing with children who have
25 developed adequate verbal communication and comprehension skills
26 and with the parents or guardians of all children about foods that
27 are safe and unsafe and about strategies to avoid exposure to
28 unsafe food.

29 (5) When a child is enrolled in a child care center, group

1 child care home, or family care home, and annually after that, the
2 child care center, group child care home, or family child care home
3 must notify the child's parent or guardian of the anaphylactic
4 policy developed by the department. This notification must include
5 contact information for parents and guardians to engage further
6 with the child care center, group child care home, or family child
7 care home to learn more about individualized aspects of the
8 anaphylactic policy.

9 (6) Within 180 days after the effective date of the amendatory
10 act that added this section, the anaphylactic policy established
11 under this section must be forwarded by the department to each
12 child care center, group child care home, and family child care
13 home in this state. Each child care center, group child care home,
14 and family child care home must implement or update, as
15 appropriate, their anaphylactic policy in accordance with the
16 policy developed by the department within 180 days after receiving
17 the anaphylactic policy.

18 (7) The anaphylactic policy established under this section
19 must be updated at least once every 3 years, or more frequently if
20 the department determines it is necessary or desirable to protect
21 children with a food allergy or other allergy that could result in
22 anaphylaxis.