

AMENDED IN SENATE MARCH 29, 2016

**SENATE BILL**

**No. 1258**

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**Introduced by Senator Huff**

February 18, 2016

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An act to add Section 49414.3 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1258, as amended, Huff. Pupil health: food allergies: ~~school district~~ *local educational agency* policy.

Existing law requires school districts, county offices of education, and charter schools to provide emergency epinephrine auto-injectors to school nurses and trained personnel who have volunteered, as specified, and authorizes school nurses and trained personnel to use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction.

This bill would require each school ~~district~~ *district, county office of education, and charter school* to develop, in coordination with specified individuals, a comprehensive policy with specified protocols to protect pupils with food allergies. By imposing additional duties on ~~school districts~~, *local educational agencies*, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 49414.3 is added to the Education Code,  
2 to read:  
3 49414.3. (a) Each school ~~district~~ *district, county office of*  
4 *education, and charter school* shall develop a comprehensive  
5 policy to protect pupils with food allergies.  
6 (b) The policy shall include, at a minimum, protocols for pupils  
7 with food allergies that pertain to all of the following:  
8 (1) School stocking of medication, including storage of  
9 medication in classrooms.  
10 (2) School parties.  
11 (3) Lunch time, including seating arrangements.  
12 (4) Food served by the school ~~district~~ *local educational agency*.  
13 (5) After school events.  
14 (6) Field trips.  
15 (7) Bullying.  
16 (8) Recess.  
17 (9) Teacher and employee training.  
18 (c) A ~~school district~~ *local educational agency* shall create the  
19 policy in coordination with, at a minimum, all of the following  
20 individuals:  
21 (1) A ~~school district nurse or health aid~~ *local educational*  
22 *agency or schoolsite nurse, or, if there is no local educational*  
23 *agency or schoolsite nurse, the local educational agency or*  
24 *schoolsite's designated health personnel*.  
25 (2) A ~~member of the food allergy community~~ *parent of a pupil*  
26 *with a food allergy*.  
27 (3) An ad hoc parent.  
28 (4) A director of food services.  
29 SEC. 2. If the Commission on State Mandates determines that  
30 this act contains costs mandated by the state, reimbursement to  
31 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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