

AMENDED IN SENATE APRIL 21, 2016  
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~~ 49414.2 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1258, as amended, Huff. Pupil health: food allergies: 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, county office of education, and charter school~~ *local educational agency, as defined*, to develop, in coordination with specified individuals, *and have in place, beginning with the 2017–18 school year*, a comprehensive policy with specified protocols to protect pupils with food allergies. By imposing additional duties on 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~~ 49414.2 is added to the  
2     Education Code, to read:  
3     ~~49414.3.~~  
4     49414.2. (a) Each ~~school district, county office of education,~~  
5     ~~and charter school~~ local educational agency shall develop *and*  
6     *have in place, beginning with the 2017–18 school year,* a  
7     comprehensive policy to protect pupils with food allergies.  
8     (b) The policy shall include, at a minimum, protocols for pupils  
9     with food allergies that pertain to all of the following:  
10    (1) School stocking of medication, including storage of  
11    medication in classrooms.  
12    (2) School parties.  
13    (3) Lunch time, including seating arrangements.  
14    (4) Food served by the local educational agency.  
15    (5) After school events.  
16    (6) Field trips.  
17    (7) Bullying.  
18    (8) Recess.  
19    (9) Teacher and employee training.  
20    (c) A local educational agency shall create the policy in  
21    coordination with, at a minimum, all of the following individuals:  
22    (1) A local educational agency or schoolsite nurse, or, if there  
23    is no local educational agency or schoolsite nurse, the local  
24    educational agency or schoolsite’s designated health personnel.  
25    (2) A parent of a pupil with a food allergy.  
26    (3) An ad hoc parent.  
27    (4) A director of food services.  
28    (d) *For purposes of this section, a “local educational agency”*  
29    *means a school district, county office of education, or charter*  
30    *school.*

1     SEC. 2. If the Commission on State Mandates determines that  
2     this act contains costs mandated by the state, reimbursement to  
3     local agencies and school districts for those costs shall be made  
4     pursuant to Part 7 (commencing with Section 17500) of Division  
5     4 of Title 2 of the Government Code.

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