



ELIJAH'S LAW FACT SHEET

On November 3, 2017, 3-year-old Elijah Silvera died after having a severe allergic reaction at his child care facility. Even though the child care facility had documentation of Elijah's life-threatening dairy allergy, asthma, and other allergies, the child care facility fed Elijah a grilled cheese sandwich. The facility then failed to follow emergency anaphylaxis protocol.

FOOD ALLERGIES

Food allergies are affecting a growing number of American children and adults. It is most prevalent among young children. In the U.S., one in 13 children have food allergies. Exposure to an allergen can cause severe reactions, including anaphylaxis and, in rare cases, death. Because there is no cure for food allergies, awareness, and preparedness are key for protecting health and saving lives.

COMPONENTS OF ELIJAH'S LAW

States must require child care facilities to take concrete steps to manage food allergies for the children in their care. This includes developing emergency protocols, communication plans for discussing food allergies with children, and plans for preventing exposure.

Key provisions in Elijah's Law:

- Requires the state's department of health – in consultation with others – to establish anaphylaxis policies for school districts and child care facilities.
- Requires the state's department of health to create, distribute, and make available on its website informational materials regarding the anaphylaxis policies.
- Contains requirements for the anaphylaxis policies.
- Requires schools and child care facilities to notify parents and guardians of the policies at least once each calendar year.
- Requires the policies to be forwarded to each school board of a school district, charter school, and child care facility in the state.

GOALS OF ELIJAH'S LAW



Access: for every child care facility to have epinephrine auto-injectors on hand in case of emergency.



Education: for every adult that works in child care facilities to know the signs of anaphylaxis and be able to treat children experiencing it; to be trained by an accredited food allergy training like [training.webelays.com](https://www.training.webelays.com).



Equity: to make sure that all children, in every school or child care facility, in every neighborhood, regardless of socioeconomic conditions, culture, or class, will be safe where their parents drop them off.



aafa.org/ElijahsLaw



**KIDS WITH
FOOD ALLERGIES**
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ELIJAH'S LAWS IN THE UNITED STATES

New York's Elijah's Law S218B/A6971B

On September 12, 2019, Elijah's Law was signed into law in Elijah's home state of New York. The law requires all child care programs to follow state food allergy guidelines to prevent, recognize and respond to life-threatening anaphylactic reactions. This law was the result of an initiative known as "Elijah's Echo." Elijah's Law in New York was the first of its kind in the United States.

Illinois' Elijah's Law HB0102

On August 20, 2021, the Childhood Anaphylactic Policy Act, also known as Elijah's Law, was signed into law in Illinois. The Illinois Department of Public Health, in consult with the State Board of Education and the Department of Children and Family Services, is to establish anaphylaxis policies for school districts and child care facilities. The Act contains the specific requirements, guidelines, policies, and protocols for schools. Child care facilities are required to develop a plan for anaphylaxis and have at least one staff member who is trained on anaphylaxis present at all times.

Pennsylvania's Elijah's Law HB1259

Introduced on April 21, 2021, "Elijah's Law" in Pennsylvania, if passed, will establish an anaphylaxis policy for school districts and child care centers stating guidelines, training, procedures, and treatment to be followed during a medical emergency resulting from anaphylaxis and for the prevention of anaphylaxis.

Virginia's Elijah's Law SB 737/HB 1328

Introduced on January 21, 2022, "Elijah's Law" in Virginia, if passed, will require each early childhood care and education entity to implement policies for the possession and administration of epinephrine by trained personnel and for at least one trained personnel to be on-site at all times.

California's Elijah's Law AB2042

Introduced on February 14, 2022, "Elijah's Law" in California, if passed, will require anaphylaxis prevention training and education in child daycare facilities and educational institutions.

Other States

The Elijah-Alavi Foundation has been in discussion with several state representatives in Alaska, Massachusetts, Missouri, New Hampshire, and New Jersey, among others, about the need for Elijah's Law.

It shouldn't take a tragedy to create change. Elijah did not die in vain. His echo and his words ring through each and every one of us. We need to create impactful legislation in your state that will require a bill aimed at preventing another tragedy like Elijah's.

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