



March 21, 2024

The Honorable Alex Lee  
Chair of the Committee on Human Services  
1020 N Street, Room 124  
Sacramento, CA 95814

**Re: AB 2317 (Nguyen) Child daycare facilities: anaphylactic policy- SUPPORT**

Dear Chair Lee,

On behalf of the Asthma and Allergy Foundation of America (AAFA) and the more than 20 million Americans living with life-threatening food allergies, I am writing to express AAFA's strong support for AB 2317, Elijah's Law. AAFA is the leading patient organization for people with asthma and allergies, and the oldest asthma and allergy patient organization in the world. Kids with Food Allergies, a division of AAFA, offers tools, education, and community to families and children coping with food allergies across the country.

This bill is named in honor of Elijah Silvera who passed away at age 3 while enrolled in a day care program in Harlem in November 2017. Even though the child care facility had documentation of Elijah's life-threatening dairy allergy, asthma, and other allergies, Elijah was fed a grilled cheese sandwich. The facility failed to follow emergency anaphylaxis protocol and were not required to have one in place. AB2042 is a bill aimed at preventing another tragedy like Elijah's.

The prevalence of severe food allergies is high and growing. Nearly one in ten children, or 9.3 percent, have food allergies, and that number is rising<sup>1</sup>, with infants and toddlers ages 0-4 having a higher rate than any other age group. Exposure to the 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.

In California, Elijah's law would apply important allergy requirements to all child care providers. Providers would have to implement strategies for preventing exposure to

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<sup>1</sup> Gupta R, Warren C, Blumenstock J, Kotowska J, Mittal K, Smith B. The prevalence of childhood food allergy in the United States: An update. *Ann Allergy Asthma Immunol* (2017).



allergic triggers, train personnel and volunteers to recognize the symptoms of anaphylaxis, and train personnel and volunteers to administer appropriate treatment should anaphylaxis occur. Epinephrine is the only treatment for anaphylaxis. Young children in California who have severe food allergies always need access to appropriate weight-based doses of epinephrine to promptly treat anaphylaxis and a trained adult who can administer it.

One preventable death of a young child is one too many. These requirements of Elijah's Law are evidence-based and will reduce reactions and risk for young children across the state. Thank you very much for your time and consideration. We are grateful for your concern for the safety of California children and families managing food allergies.

Sincerely,

A handwritten signature in black ink that reads 'Kenneth Mendez'. The signature is written in a cursive, flowing style.

Kenneth Mendez  
President and Chief Executive Officer  
Asthma and Allergy Foundation of America