1 HB332

2 I3SIGW6-3

3 By Representative Treadaway

4 RFD: Public Safety and Homeland Security

5 First Read: 27-Jan-26

Enrolled, An Act,

Relating to day care centers; to require the Department of Human Resources to create an anaphylactic response policy; to require all licensed day care centers to adopt and implement the anaphylactic response policy; and to require all licensed day care center employees to complete an anaphylaxis training program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the term "employee" means an individual who is hired to facilitate the care of children attending day care centers. This definition does not include service staff, such as cooks, janitors, or bus drivers.

(b) Section 38-7-22 is added to the Code of Alabama to read as follows:

§38-7-22.

(a)(1) On or before August 1, 2027, the State Department of Human Resources shall establish an anaphylactic response policy that sets forth guidelines and procedures required for day care centers and trained staff to prevent a child from suffering from anaphylaxis and to be used during a medical emergency resulting from anaphylaxis.

(2) On and after January 1, 2028, all day care centers shall implement the anaphylactic response policy developed by the State Department of Human Resources pursuant to this section.

(3) On and after January 1, 2028, upon enrollment of a child at a licensed day care center, and annually thereafter, the day care center shall notify the parent or guardian of the anaphylactic response policy in writing.

(4) The policy shall be developed in consultation with the Alabama Department of Public Health and the Alabama State Board of Pharmacy and shall be based on the guidance and recommendations provided by the American Academy of Pediatrics relating to the management of food allergies or other allergies.

(5) At minimum, the anaphylactic response policy shall require all of the following:

a. A procedure and treatment plan, including emergency protocols and responsibilities, for trained employees responding to a child suffering, or reasonably believed to be suffering, from anaphylaxis.

b. Appropriate guidelines for each day care center to develop an individual emergency plan for children with an allergy that could result in anaphylaxis. These plans shall be kept by the day care center and followed in the event of an emergency. All employees must be aware of which children have individual emergency plans and where the plans are stored.

c. Strategies for reducing the risk of exposure to anaphylactic-causative agents, including food and other allergens.

(b) Beginning on or before August 1, 2027, all employees of licensed day care centers must complete an anaphylaxis training program developed by the Alabama

Department of Public Health pursuant to Section 22-1-16 and shall complete this program or subsequent online training developed by the Alabama Department of Public Health every two years thereafter. Each day care center shall issue a certificate, as developed by the Alabama Department of Public Health, to each employee who successfully completes the anaphylaxis training program. Each day care center shall keep on file a copy of all issued certificates.

(c) Day care centers that opt to acquire and keep stock of nonpatient-specific epinephrine delivery systems on site as authorized entities pursuant to Section 22-1-16 are subject to and must comply with all requirements, immunity provisions, and liability provisions as prescribed by that section.

(d) The following persons shall not be liable for any injuries or related damages that result from any act or omission taken pursuant to this section, provided this immunity does not apply to an act or omission constituting willful or wanton conduct:

(1) An authorized entity that possesses and makes available epinephrine delivery systems and its employees, agents, and other individuals, pursuant to Section 22-1-16.

(2) An individual or entity that conducts the training described in this section, but only to the extent the injuries or related damages arise from the training conducted by the individual or entity. The immunity provided in this subsection does not affect a manufacturer's liability regarding the design, manufacture, and instructions regarding the use of, or training regarding the use of, an epinephrine delivery system.

(3) An employee who responds in good faith to the anaphylactic reaction of a child in accordance with the guidelines implemented under this section for acts or omissions in the course of responding to the reaction.

Section 2. This act shall become effective on October 1, 2026.

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 03-Mar-26, as amended.

John Treadwell
Clerk

Senate **10-Mar-26** Passed