

HB332 INTRODUCED



1 HB332
2 XD9INEZ-1
3 By Representative Treadaway
4 RFD: Public Safety and Homeland Security
5 First Read: 27-Jan-26



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4 SYNOPSIS:

5 Under existing law, child care facilities are
6 not required to have anaphylaxis training and response
7 procedures in place.

8 This bill would require the Department of Human
9 Resources to create an anaphylactic response policy.

10 This bill would require all licensed day care
11 centers, which are facilities that care for more than
12 12 children, to adopt and implement the anaphylactic
13 response policy.

14 This bill would also require all licensed day
15 care center employees to complete an approved
16 anaphylaxis training program.

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19 A BILL
20 TO BE ENTITLED
21 AN ACT

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

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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

37 §38-7-22.

38 (a) (1) On or before August 1, 2027, the department
39 shall establish an anaphylactic response policy that sets
40 forth guidelines and procedures required for day care centers
41 and trained staff to prevent a child from suffering from
42 anaphylaxis and to be used during a medical emergency
43 resulting from anaphylaxis.

44 (2) On and after January 1, 2028, all day care centers
45 shall implement the anaphylactic response policy developed by
46 the department pursuant to this section.

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

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



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

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

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

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

(b) Beginning on or before August 1, 2027, all employees of licensed day care centers must complete an approved anaphylaxis training program and shall complete subsequent training programs at least every two years thereafter. Training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or other medication administration program approved by the Alabama Department of Public Health. The Alabama Department of Public Health may approve specific entities or individuals or may approve classes of entities or individuals to conduct training. The entity that conducts the training shall issue a certificate, on a form to be developed by the Alabama Department of Public Health, to each individual



85 who successfully completes the anaphylaxis training program.
86 Training may be conducted online or in person and, at a
87 minimum, shall cover all of the following:

88 (1) How to recognize signs and symptoms of severe
89 allergic reactions, including anaphylaxis.

90 (2) Standards and procedures for the storage and
91 administration of an epinephrine auto-injector.

92 (3) Emergency follow-up procedures.

93 (c) Child day care centers that opt to acquire and keep
94 stock of nonpatient-specific epinephrine auto-injectors on
95 site as authorized entities pursuant to Section 22-1-16 are
96 subject to and must comply with all requirements, immunity
97 provisions, and liability provisions as prescribed by that
98 section.

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

104 (1) An authorized entity that possesses and makes
105 available epinephrine auto-injectors and its employees,
106 agents, and other individuals, pursuant to Section 22-1-16.

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

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113 training regarding the use of, an epinephrine auto-injector.

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

118 Section 2. This act shall become effective on October
119 1, 2026.