

HB332 INTRODUCED



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



SYNOPSIS:

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

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

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

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

A BILL
TO BE ENTITLED
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 approved anaphylaxis training program.



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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 department 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 department 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.



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(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 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



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

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

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

(3) Emergency follow-up procedures.

(c) Child day care centers that opt to acquire and keep stock of nonpatient-specific epinephrine auto-injectors 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 auto-injectors 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



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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.