



**House Public Safety and Homeland Security Reported
Substitute for HB332**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

23 §38-7-22.

24 (a) (1) On or before August 1, 2027, the **State**
25 **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



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29 medical emergency resulting from anaphylaxis.

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

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

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

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

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

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

56 c. Strategies for reducing the risk of exposure to



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57 anaphylactic-causative agents, including food and other
58 allergens.

59 (b) Beginning on or before August 1, 2027, all
60 employees of licensed day care centers must complete an
61 anaphylaxis training program **developed by the Alabama**
62 **Department of Public Health pursuant to Section 22-1-16** and
63 shall complete **this program or subsequent online** training
64 **developed by the Alabama Department of Public Health** every two
65 years thereafter. **Each day care center** shall issue a
66 certificate, **as** developed by the Alabama Department of Public
67 Health, to each **employee** who successfully completes the
68 anaphylaxis training program. **Each day care center shall keep**
69 **on file a copy of all issued certificates.**

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

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

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

83 (2) An individual or entity that conducts the training
84 described in this section, but only to the extent the injuries



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85 or related damages arise from the training conducted by the
86 individual or entity. The immunity provided in this subsection
87 does not affect a manufacturer's liability regarding the
88 design, manufacture, and instructions regarding the use of, or
89 training regarding the use of, an epinephrine auto-injector.

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

94 Section 2. This act shall become effective on October
95 1, 2026.