

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H3/19/25

A Bill

HOUSE BILL 1817

5 By: Representative L. Johnson
6 By: Senator J. Boyd
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH ELIJAH’S LAW IN ARKANSAS; TO
10 REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT
11 OF EDUCATION TO ESTABLISH A STATEWIDE ANAPHYLAXIS
12 POLICY FOR CHILDCARE FACILITIES; AND FOR OTHER
13 PURPOSES.
14
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Subtitle

16 TO ESTABLISH ELIJAH’S LAW IN ARKANSAS;
17 AND TO REQUIRE THE DEPARTMENT OF HEALTH
18 AND THE DEPARTMENT OF EDUCATION TO
19 ESTABLISH A STATEWIDE ANAPHYLAXIS POLICY
20 FOR CHILDCARE FACILITIES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. DO NOT CODIFY. Title.
26 This act shall be known and may be cited as "Elijah’s Law".
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28 SECTION 2. DO NOT CODIFY. Legislative intent.
29 It is the intent of the General Assembly to ensure that childcare
30 facilities take concrete steps to manage food allergies for the children in
31 their care, including the development of emergency protocols, strategies for
32 discussing food allergies, and plans for preventing exposure to food allergy
33 triggers, with the ultimate goal being to protect children’s lives and foster
34 safer environments to learn.
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36 SECTION 3. Arkansas Code Title 20, Chapter 13, is amended to add an



1 additional subchapter to read as follows:

2 Subchapter 19 – Childcare Facility Anaphylaxis Policy

3
4 20-13-1901. Definition.

5 As used in this subchapter, "childcare facility" means the same as
6 defined in § 20-78-202.

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8 20-13-1902. Anaphylaxis policy for childcare facilities –
9 Informational materials.

10 (a)(1) Department of Education, in consultation with the Department of
11 Health and the Division of Elementary and Secondary Education, shall
12 establish an anaphylaxis policy for childcare facilities setting forth
13 guidelines and procedures for both the prevention of anaphylaxis and
14 treatment during a medical emergency resulting from anaphylaxis, including
15 without limitation:

16 (A) Establishing weight-based dosing guidelines for
17 epinephrine administration;

18 (B) Ensuring proper training and access to emergency
19 medication for children with food allergies; and

20 (C) Setting inspection and compliance requirements for
21 childcare facilities administered by the Department of Education.

22 (2) The Department of Education, in consultation with the
23 Department of Health and the division, may consult with individuals and
24 stakeholders to develop the anaphylaxis policy, including without limitation:

25 (A) Allergy medicine representatives;

26 (B) Pediatric physicians;

27 (C) Other healthcare providers with expertise in treating
28 children with anaphylaxis;

29 (D) Parents of children with life-threatening allergies;

30 (E) Childcare facility administrators;

31 (F) Childcare facility personnel;

32 (G) Childcare facility food service directors; and

33 (H) Appropriate nonprofit corporations representing
34 individuals with allergies who are at risk for anaphylaxis.

35 (b) In establishing the policy under this section, the Department of
36 Education, in consultation with the Department of Health and the division,

1 shall consider:

2 (1) Existing requirements, as well as current and best practices
3 for childcare facilities on allergies and anaphylaxis, including those in
4 place for childcare facilities regulated by the division; and

5 (2) The voluntary guidelines for managing food allergies in
6 early care and education programs issued by the United States Department of
7 Health and Human Services, to the extent appropriate for the setting.

8 (c) The Department of Education, in consultation with the Department
9 of Health and the division, shall create informational materials detailing
10 the anaphylaxis policy to be distributed to childcare facilities and shall
11 make the materials available on the websites of the Department of Health and
12 of the Department of Education.

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14 20-13-1903. Anaphylaxis policy - Content.

15 The anaphylaxis policy established under this subchapter shall include
16 the following:

17 (1) A procedure and treatment plan detailing emergency protocols
18 and responsibilities of childcare facility personnel for responding to
19 anaphylaxis, including weight-based dosing guidelines for epinephrine
20 administration;

21 (2) A procedure and appropriate guidelines for the development
22 of an individualized emergency healthcare plan for children with a food
23 allergy or other allergy which could result in anaphylaxis;

24 (3) A communication plan for:

25 (A) Intake and dissemination of information provided by
26 the state regarding children with a food allergy or other allergy that could
27 result in anaphylaxis, including a discussion of methods, treatments, and
28 other therapies to reduce the risk of allergic reactions, including
29 anaphylaxis; and

30 (B) Discussion with children who have developed adequate
31 verbal communication and comprehension skills and with the parents or legal
32 guardians of all children about foods that are safe and unsafe to eat and
33 about strategies to avoid exposure to unsafe food; and

34 (4) A strategy for the reduction of the risk of exposure to
35 anaphylactic causative agents, including food and other allergens.

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1 20-13-1904. Notification to parents and guardians.

2 (a) A childcare facility shall send a notification of the anaphylaxis
3 policy to the parent or legal guardian of a child attending or enrolled in
4 the childcare facility when the child is first enrolled to make the parent or
5 legal guardian of the child aware of the anaphylaxis policy under this
6 subchapter.

7 (b) A notification under this section shall include contact
8 information for the parent or legal guardian to engage further with the
9 childcare facility to learn more about individualized aspects of the
10 anaphylaxis policy.

11
12 20-13-1905. Notification to schools and childcare facilities of
13 anaphylaxis policy.

14 (a) Within one (1) year of the effective date of this subchapter, the
15 anaphylaxis policy established under this subchapter shall be forwarded by
16 the Department of Education to all childcare facilities.

17 (b) Each childcare facility shall implement or update as appropriate
18 the anaphylactic policy of the childcare facility in accordance with the
19 anaphylaxis policy developed under this subchapter within six (6) months of
20 receiving the anaphylaxis policy under this section.

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22 20-13-1906. Update of anaphylaxis policy.

23 The anaphylaxis policy established under this subchapter shall be
24 updated if the *Department of Education* determines it is necessary or
25 desirable for the protection of children with a food allergy or other allergy
26 that could result in anaphylaxis.

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28 20-13-1907. Financial support for implementation in childcare
29 facilities.

30 (a) A childcare facility may apply for funding through the federal
31 Child Care and Development Block Grant to cover costs related to:

32 (1) Staff training on food allergy management and the
33 administration of epinephrine; and

34 (2) The purchasing and maintaining of an adequate supply of
35 epinephrine, including devices appropriate for children of varying weights.

36 (b) The Department of Education shall make the application for funding

1 through the federal Child Care and Development Block Grant available on the
2 website of the department.

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/s/L. Johnson