

2008 -- S 2130 SUBSTITUTE A

LC00680/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Senators Gallo, Pichardo, P Fogarty, and Issa

Date Introduced: January 30, 2008

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-21-31 of the General Laws in Chapter 16-21 entitled "Health
2 and Safety of Pupils" is hereby amended to read as follows.

3 **16-21-31. Notice of peanut/tree nut allergies -- Posting.** -- (a) In any school subject to
4 the provisions of this chapter wherein a student with an allergy to peanuts/tree nuts and/or food
5 derived from peanut/tree nuts products is in attendance, a notice shall be posted within that school
6 building in a conspicuous place at every point of entry and within the cafeteria facility advising
7 that there are students at said school with allergies to peanuts/tree nuts. The notice shall not
8 identify the individual(s) with such allergy.

9 ~~-(b) In the event a student who is enrolled in a school is known to have an allergy to~~
10 ~~peanuts/tree nuts and/or food derived from peanut/tree nut products, the school administration~~
11 ~~shall prohibit the sale of peanuts/tree nuts, peanut butter and other peanut based products in the~~
12 ~~school cafeteria.~~

13 ~~-(c) This section shall apply to any building, modular classroom, or similar structure used~~
14 ~~by a school district for instruction and education of elementary or middle school students.~~

15 ~~-(d) In the event a school district knows that an elementary or middle school student has a~~
16 ~~peanut or tree nut allergy, the district shall:~~

17 ~~-(1) Designate a peanut/tree nut free table and peanut/tree nut table in the cafeteria; and~~

18 ~~-(2) Designate one classroom per grade to be peanut/tree nut free.~~

19 SECTION 2. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils"

1 is hereby amended by adding thereto the following section:

2 **16-21-32. Peanut/tree nut allergies.** – (a) The governing body of each elementary,
3 middle or junior high school approved for the purpose of sections 16-19-1 and 16-19-2, shall
4 develop a policy designed to provide a safe environment for students with peanut/tree nut
5 allergies. When a school is aware that an enrolled student has a peanut/tree nut allergy with
6 potentially serious health consequences, the school shall implement a protocol, consistent with
7 the governing body’s policy, that provides the student with protections while he or she is
8 attending school or participating in school-sponsored activities. The governing body’s policy
9 shall include the development of an individual health care plan (IHCP) and an emergency health
10 care plan (EHCP) for each student with such food allergy. The student’s IHCP and EHCP shall
11 be developed collaboratively and be signed by the school nurse, the student’s health care
12 provider, the parents/guardians of the student, and the student (if appropriate). Depending upon
13 the nature and extent of the student’s peanut/tree nut allergy, the measures listed in the IHCP may
14 include the posting of signs at school, the prohibition of the sale of particular food items in the
15 school, the designation of special tables in the cafeteria, the prohibition of particular food items in
16 certain classrooms, and the complete prohibition of particular food items from a school or school
17 grounds.

18 (b) The department of elementary and secondary education and the department of health
19 shall amend their rules and regulations for school health programs to establish standards for the
20 care of students with peanut/tree nut allergies.

21 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

1 This act would direct the governing bodies of each school to develop a policy designed to
2 provide a safe environment for students with peanut/tree nut allergies. This act would also repeal
3 the current provisions requiring the posting of notices in schools regarding the presence of
4 children with such food allergies.

5 This act would take effect upon passage.

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