

# HOUSE BILL REPORT

## HB 1562

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**As Reported by House Committee On:**  
Education

**Title:** An act relating to allergen information in schools.

**Brief Description:** Requiring posting of allergen information in public schools.

**Sponsors:** Representatives Sullivan, Tarleton and Orwall.

**Brief History:**

**Committee Activity:**

Education: 2/2/15, 2/19/15 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Office of the Superintendent of Public Instruction to consult the state Department of Agriculture to develop and disseminate guidance for school districts on how and what allergen information to display.
- Requires schools to display allergen information by September 1, 2016.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Bergquist, Gregory, S. Hunt, Kilduff, Lytton, Orwall, Pollet and Springer.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Caldier, Griffey, Hargrove, Hayes, Klippert and McCaslin.

**Minority Report:** Without recommendation. Signed by 4 members: Representatives Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Fagan.

**Staff:** Megan Wargacki (786-7194).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Statistics.

In 2013 the United States Centers for Disease Control and Prevention reported that food allergies among children increased approximately 50 percent between 1997 and 2011. About one in 13 children has a food allergy. Of this group, more than one-third has a history of severe allergic reaction. Almost one-third of food allergic children have multiple food allergies. In 2006 about 88 percent of schools had one or more students with a food allergy.

### Food Allergies.

When a person's body has a specific and reproducible immune response to certain foods, the person has a food allergy. The immune system keeps the body healthy, by identifying and combating bacteria, viruses, toxins, parasites, and other foreign substances. In people with food allergies, the immune system mistakenly identifies certain foods as harmful. Symptoms of food allergy include:

- tingling, burning, or itching tongue, mouth, and lips;
- swelling in the mouth, tongue, and lips;
- vomiting, diarrhea, or abdominal cramps and pain;
- hives or eczema;
- tightening of the throat and trouble breathing; or
- drop in blood pressure.

The symptoms and severity of allergic reactions differ between individuals and can range from mild to life threatening. Avoiding a food allergen is the only way to prevent a reaction; there is no cure for food allergies.

According to the federal Food Allergen Labeling and Consumer Protection Act (FALCPA) of 2004, eight food groups account for 90 percent of serious allergic reactions in the United States. They are:

- milk;
- eggs;
- crustacean shellfish;
- fish;
- wheat;
- soybeans;
- peanuts; and
- tree nuts.

### Food Intolerances.

Many people confuse a food intolerance with a food allergy. Like an allergy, a food intolerance is an abnormal response to food, but unlike an allergy, the immune system is not triggered. Food intolerance symptoms vary greatly and can be mistaken for symptoms of food allergy, but are generally more chronic, less acute, and less obvious.

### Anaphylaxis in Schools.

"Anaphylaxis" means a severe allergic and life-threatening reaction that is a collection of symptoms, which may include breathing difficulties and a drop in blood pressure or shock. Administration of epinephrine, also known as adrenaline, can reverse some of the effects of a severe allergic reaction.

There are a variety of state and federal laws in place to protect students with life-threatening allergies. Before attending school, the family of child who has a life-threatening health condition that may require medical services to be performed at the school must complete a medication or treatment order, and a nursing care plan, in addition, staff must be trained. In 2008 the Legislature directed the Office of the Superintendent of Public Instruction (OSPI) to develop anaphylactic policy guidelines for schools to prevent anaphylaxis and deal with the medical emergencies resulting from it. Districts were required to implement these guidelines and adopt their own policies by September 1, 2009. In 2013 the Legislature allowed school nurses and designated trained school personnel to use epinephrine auto-injectors on an emergency basis to respond to an anaphylactic reaction.

Washington State Department of Agriculture.

The Washington State Department of Agriculture (WSDA) inspects food products and recalls any products that contain a major food allergen, but are not properly labeled. The WSDA has prepared guidance on how to label foods containing allergens in accordance with the FALCPA.

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**Summary of Substitute Bill:**

The OSPI must consult the WSDA to develop and disseminate guidance for school districts on how and what allergen information to display. The methods of display may include food labels, signs, and other notices. Schools must display allergen information by September 1, 2016. The term "allergen" may include the eight major food allergies described in the FALCPA.

**Substitute Bill Compared to Original Bill:**

The OSPI is required to consult with the WSDA to develop and disseminate guidance for school districts on how and what allergen information to display. The term "allergen" may include the eight major food allergens described in the FALCPA.

Schools are required to display allergen information by September 1, 2016, rather than 2015. Definitions and the effective date are removed.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 26, 2015.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill makes a lot of sense. One in 13 children suffer from a food allergy. It is important for students to know what they can eat. This bill should not cost the districts anything to implement. It is a straightforward bill. School personnel should know what is in the food they serve. Some students have autoimmune diseases triggered by eating certain foods. Gluten, for example, is a filler in many foods. Even the lunch personnel do not know that certain ingredients are in certain foods. An ounce of prevention is worth a pound of cure. Some kids do not know they have celiac disease, so the bill would help lots of kids.

(With concerns) School districts already comply with the notice requirements in the federal rules, this bill is even more expansive. The notice requirement in this bill may even enhance liability rather than reducing it. Students should be safe. The bill might require notices to be placed near bake sales and in classrooms where schools are using Breakfast After the Bell programs. The bill is being interpreted to mean that a sign is required for the food being served on a particular day, not a general sign saying, for example, "food may contain certain allergens."

(Opposed) None.

**Persons Testifying:** (In support) Representative Sullivan, prime sponsor; Brandon Fairhurst; Deanne Calvert, Sanofi Pharmaceuticals; and Dan Boeholt, Grays Harbor Gluten Intolerance.

(With concerns) Dan Steele, Washington Association of School Administrators.

**Persons Signed In To Testify But Not Testifying:** None.