

Stricken language would be deleted from and underlined language would be added to present law.  
Act 865 of the Regular Session

State of Arkansas  
95th General Assembly  
Regular Session, 2025

As Engrossed: H3/19/25

## A Bill

HOUSE BILL 1817

By: Representative L. Johnson

By: Senator J. Boyd

### For An Act To Be Entitled

AN ACT TO ESTABLISH ELIJAH'S LAW IN ARKANSAS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO ESTABLISH A STATEWIDE ANAPHYLAXIS POLICY FOR CHILDCARE FACILITIES; AND FOR OTHER PURPOSES.

### Subtitle

TO ESTABLISH ELIJAH'S LAW IN ARKANSAS; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO ESTABLISH A STATEWIDE ANAPHYLAXIS POLICY FOR CHILDCARE FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as "Elijah's Law".

SECTION 2. DO NOT CODIFY. Legislative intent.

It is the intent of the General Assembly to ensure that childcare facilities take concrete steps to manage food allergies for the children in their care, including the development of emergency protocols, strategies for discussing food allergies, and plans for preventing exposure to food allergy triggers, with the ultimate goal being to protect children's lives and foster safer environments to learn.

SECTION 3. Arkansas Code Title 20, Chapter 13, is amended to add an



additional subchapter to read as follows:

Subchapter 19 – Childcare Facility Anaphylaxis Policy

20-13-1901. Definition.

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

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

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

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

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

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

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

(A) Allergy medicine representatives;

(B) Pediatric physicians;

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

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

(E) Childcare facility administrators;

(F) Childcare facility personnel;

(G) Childcare facility food service directors; and

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

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

shall consider:

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

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

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

20-13-1903. Anaphylaxis policy - Content.

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

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

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

(3) A communication plan for:

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

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

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

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

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

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

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

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

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

20-13-1906. Update of anaphylaxis policy.

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

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

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

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

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

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

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

*/s/L. Johnson*

**APPROVED: 4/17/25**