

Good News for Illinois School Children

According to a recent study in the journal *Pediatrics*, one in 13 children suffers from some type of food allergy, and the number is on the rise.¹ What's more, 25 percent of first reactions among children allergic to peanuts or tree nuts occurred while they were in a school setting.

Previously, schools have not been authorized to keep a backup supply of epinephrine on hand for situations in which students forgot their own auto-injectors or had their first reaction to an undiagnosed allergy. Nor have school healthcare officials been permitted to administer the lifesaving drug in any of these emergency situations without the fear of liability. Without this emergency supply, or the ability to administer the drug, the only option school personnel have had was to dial 911, causing a delay in treatment. In cases of anaphylaxis, any delay in administering epinephrine can be fatal.

Illinois has a brand new law on the books, Public Act 97-0361, designed to help save the lives of children who have severe allergic reactions while at school. As a result of legislation initiated by Attorney General Lisa Madigan and supported by IAAP, public and schools now may voluntarily keep a supply of epinephrine auto-injectors on hand and school nurses are permitted to administer an injection to a student believed to be having an anaphylactic reaction, regardless of whether they have a medical plan on file indicating an allergy diagnosis, without fear of liability except for willful and wanton misconduct.

Also under the new law, licensed physicians that issue a standing protocol or prescribe a supply of emergency epinephrine auto-injectors to a school will not be held liable for any injury incurred as a result of the administration of epinephrine, except in cases of willful and wanton misconduct.

PLEASE NOTE: The supply of emergency epinephrine allowed under this Act is not intended to replace epinephrine prescribed to students with known allergies. Physicians should still prescribe epinephrine as appropriate and encourage parents whose children are suffering from a severe allergy to put in place an Emergency Action Plan, an Individual Health Care Plan, or a Section 504 Plan with their child's school.

While the observance of the measures detailed in this new law is voluntary, ensuring the immediate response to deadly allergic reactions through emergency epinephrine supplies can help save students' lives.

For any questions regarding the new emergency epinephrine law, please contact the Illinois Attorney General's Office at 312-814-1003.

¹ Gupta et al., "The Prevalence, Severity and Distribution of Food Allergy in the United States," *Pediatrics*, June 20, 2011