



Ohio Revised Code

Section 3313.719 Food allergy protection policy.

Effective: April 12, 2021

Legislation: House Bill 231 - 133rd General Assembly

(A) The board of education of each city, local, exempted village, and joint vocational school district and the governing authority of each chartered nonpublic school shall establish a written policy with respect to protecting students with food allergies. The policy shall be developed in consultation with parents, school nurses and other school employees, school volunteers, students, and community members.

(B) Each school district board may create training for all staff members and age-appropriate instruction for students in grades kindergarten through twelve on food allergies and ways in which to assist an individual experiencing an allergic reaction.

(C) Training completed under division (B) of this section may include instruction in food allergies, signs and symptoms of anaphylaxis, prevention of allergic reactions, management and administration of epinephrine, and follow-up and reporting procedures.

(D) Training completed under division (B) of this section shall qualify as a professional development activity for the renewal of educator licenses, in addition to activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code.

(E)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arise from an act or omission associated with any training under divisions (B) and (C) of this section, unless the act or omission constitutes willful or wanton misconduct:

- (a) A school or school district;
- (b) A member of a district board of education;
- (c) A district or school employee or contractor;



(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, consults with a superintendent, or issues a protocol pursuant to section 3313.7110 of the Revised Code;

(e) An anaphylaxis training organization and its personnel where leadership includes a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who is board-certified in allergy and immunology as that designation is issued by a medical specialty certifying board recognized by the American board of medical specialties or American osteopathic association.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, district or school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.