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Office

H.B. 231
(1_133_0338-5)
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 231's Bill Analysis](#)

Version: In House Primary and Secondary Education

Primary Sponsor: Rep. Greenspan

Local Impact Statement Procedure Required: No

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Highlights

- The Department of Education's administrative workload will minimally increase to annually publish a list of organizations that offer free and reduced cost epinephrine autoinjectors and to distribute this list to all districts and schools.

Detailed Analysis

The bill requires the Ohio Department of Education (ODE) to compile a list of organizations that provide free and reduced cost epinephrine autoinjectors to qualifying schools and to both publish this list on its website and send a copy to all districts and schools. The bill also permits school districts and community and STEM schools to create training related to food allergies and assisting those experiencing an allergic reaction, and grants civil immunity to those that implement the training.

List of organizations providing free and reduced cost epinephrine autoinjectors to schools

ODE's administrative workload will minimally increase to research and annually publish a list of organizations that provide free and reduced cost epinephrine autoinjectors to qualifying schools and to distribute the list to all districts and schools. Currently, Mylan offers a free nationwide program, EpiPen4Schools that provides up to four free EpiPen or EpiPen Jr. autoinjectors to schools each year. In addition to the autoinjectors, Mylan also provides EpiPen trainers, a storage locker, no-cost replenishment (provided the initial supply was used to respond to an anaphylactic episode), and a detailed training video. The program is available to qualifying public and private kindergarten, elementary, middle, and high schools in the United States. Qualifying schools are those with a valid prescription and those located in states that allow schools to stock epinephrine. As Ohio law allows schools to do so, all schools in the state qualify for this program.

Optional food allergy education and staff training

Continuing law requires public and chartered nonpublic schools to create a written policy concerning students with peanut and other food allergies. The bill specifies that the policies focus on simply “food allergies” and permits each school district and community and STEM school to also create a food allergy training program for all staff members as well as age-appropriate instruction for students in grades K-12. School districts and community and STEM schools that choose to develop staff training and student education programs may incur, at most, some minimal additional expenses. There are a number of free online resources available to train school staff and instruct students on food allergies that may assist schools in this area, including those offered by the nonprofit organization Food Allergy Research and Education, Inc.¹

Qualified immunity

The bill grants immunity from damages in a civil action to a school, school district, member of a district board of education, school employee or contractor, a licensed health professional, or an anaphylaxis training organization for injury, death, or loss to person or property that arises from the aforementioned optional food allergy training (unless such an act or omission is willful or wanton misconduct). It is possible the bill’s granting of immunity results in fewer civil action filings or, if filed, such civil actions might be more promptly adjudicated. Either outcome may generate some operational savings to the various involved courts due to a decrease in judicial dockets or related workload of court personnel. However, if the number of civil actions filed were reduced or curtailed, any savings may be offset by less revenue from local court costs and fees. It appears that any fiscal effect on courts will likely be no more than minimal.

Synopsis of Fiscal Effect Changes

- The substitute bill (I_133_0338-5) establishes the bill’s potential fiscal effects on local courts by adding the provision granting qualified immunity from civil liability.
- The substitute bill eliminates the bill’s potential fiscal effects on state institutions of higher education by removing the provision in the As Introduced (previous) bill that permitted state institutions to develop and implement policies on food allergy education and assistance.

HB0231H1/lb

¹ *Food Allergy Trainings and Tool Kits for Schools*. Food Allergy Research and Education, Inc. <https://www.foodallergy.org/education-awareness/community-resources/your-back-to-school-headquarters/food-allergy-trainings-and>. See also *Pilot Guidelines for Managing Food Allergies in Higher Education*. Food Allergy Research and Education, Inc. <https://www.foodallergy.org/education-awareness/community-resources/college-and-university-staff/pilot-guidelines-for-managing>.