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H.B. 231*
133rd General Assembly

Bill Analysis

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Version: As Reported by House Primary and Secondary Education

Primary Sponsor: Rep. Greenspan

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SUMMARY

- Requires the Department of Education to compile an annual list of organizations and companies that offer free and reduced cost epinephrine autoinjectors and make that list available to each school district, other public schools, and chartered nonpublic schools.
- Permits public schools to create and implement training for all staff members and age-appropriate instructional materials for students in grades K-12 on food allergies.
- Provides a qualified immunity from liability for damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with the food allergy training or instruction.
- Entitles the bill the "Allison Rose Act."

DETAILED ANALYSIS

Epinephrine autoinjectors

The bill requires the Department of Education to compile an annual list of organizations and companies that offer free and reduced cost epinephrine autoinjectors to school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools. The Department must make this information available on its website and send a copy electronically or by mail to each district and school.¹

* This analysis was prepared before the report of the House Primary and Secondary Education Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ R.C. 3301.135

Food allergy education and staff training

Public schools

The bill permits each school district, community school, and STEM school to create food allergy training for all staff members as well as age appropriate instruction for students in grades K-12. Topics may include ways to assist someone experiencing an allergic reaction. The bill specifies that staff training will qualify as a professional development activity for the renewal of an educator's license.²

Current 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 "food allergies," thereby removing the specification of "peanut" allergies.³

Furthermore, the bill specifies that if a school board chooses to develop staff training and instruction for students on food allergies that training may include the following:

1. Instruction in food allergies;
2. Signs and symptoms of anaphylaxis;
3. Prevention of allergic reactions;
4. Management and administration of epinephrine; and
5. Follow-up and reporting procedures.⁴

Immunity from civil liability

The bill provides a qualified immunity from liability for damages in a civil action for injury, death, or loss to person or property that allegedly arise from an act or omission associated with the food allergy training or instruction, unless that act or omission constitutes willful or wanton misconduct, for all of the following:

1. A school or school district;
2. A member of a district board of education;
3. A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors; and
4. An anaphylaxis training organization and its personnel where leadership includes a physician.⁵

² R.C. 3313.719(B) and (C). This section applies to community schools and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11, neither in the bill.

³ R.C. 3313.719(A).

⁴ R.C. 3313.719(C).

⁵ R.C. 3301.719(E).

HISTORY

Action	Date
Introduced	05-02-19
Reported, H. Primary & Secondary Education	---
