

September 20, 2023 3 min read

NY law requires educational materials about anaphylaxis, autoinjectors for teachers

Key takeaways:

- The state commissioner of health will provide written information on recognizing anaphylaxis and using epinephrine autoinjectors.
- Advocates have been fighting for this legislation for 12 years.

New York Gov. Kathy Hochul has signed legislation that requires the state's commissioner of health to provide written information on how to recognize anaphylaxis and use epinephrine autoinjectors to the state's teachers.

Sponsored by **Sen. Cordell Cleare** and **Assemblymember Linda B. Rosenthal**, Senate Bill S209A goes into effect immediately.



More than 218,000 students in New York have life-threatening food allergies, but school nurses are not always required to be on campus to administer epinephrine autoinjectors. *Image: Adobe Stock*

“Sadly, it is necessary because children have been severely harmed and even died in school and daycare settings because those entrusted to care for them were not aware nor trained in how to respond to those experiencing anaphylactic shock,” Cleare told Healio.



Cordell Cleare

The law will apply to the more than 212,000 teachers in New York public and nonpublic elementary and secondary schools that are authorized to administer epinephrine autoinjectors, including charter schools.

“Thanks to the hard work of advocates and lawmakers, all teachers in New York State will now be provided with the knowledge of how to save a student’s life if they experience anaphylaxis in school,” **Jill Mindlin**, advocate with Food Allergy Research & Education (FARE), said in a press release.

According to FARE, more than 218,000 students in New York have a life-threatening food allergy.

“I was originally motivated by the story of Elijah Silvera and was involved in the fight to pass Elijah’s Law,” Cleare told Healio. “This builds upon that effort.”

In 2017, 3-year-old Elijah Silvera was given a grilled cheese sandwich at school even though his family said they had told the educators there that he was allergic to dairy products. He then died of anaphylactic shock.

“The true hope is that in the cases where a child is having a severe allergic reaction, and we hope those cases are rare, there will literally be multiple adults in the room who have received training on the correct use of an epinephrine autoinjector and can administer it safely and swiftly,” Cleare said.

The legislation notes that approximately 8% of all children have food allergies, with 150 deaths due to these allergies year. Also, the legislation says, there are no mandates requiring nurses to be in the school building at all times.

“It is estimated that two children in every classroom suffer from food allergies, making it impossible to know when the next allergic reaction may occur,” Rosenthal said in a press release.



Linda B.
Rosenthal

Potential delays in getting available health care personnel [to treat children with anaphylaxis in a timely manner](#) underscore the need for other school personnel to know how to use autoinjectors, the legislator continues.

“Empowering teachers by providing them with the information necessary to intervene during an allergic reaction will save lives,” Rosenthal said.

Rosenthal also noted that more than 15% of school-aged children with food allergies have had a reaction while at school.

“Many students experience an allergic reaction for the first time while in school, and others with allergies can become frightened or ill to administer the autoinjector themselves,” Rosenthal said.

“A person is admitted to the emergency room for an allergic reaction every 3 minutes in the United States,” she continued. “Providing this information will help ensure the safety of students in the classroom and help teachers be prepared in the event of an emergency.”

The Medical Practice Act, the Nurse Practice Act and the “Good Samaritan Law” already allow any member of a school staff to administer epinephrine via an autoinjector [in emergency situations without liability](#).

“There are a lot of things that can be difficult and anxiety-inducing when you’re growing up with food allergies. School should not be one of those things,” **Maya Konoff**, daughter of Mindlin, said in the press release.

Konoff began lobbying for this legislation when she was in elementary school. She is now a college graduate.

“This bill is such an important step in ensuring that all kids with food allergies can safely attend school,” Konoff said.

Mindlin and other advocates including teachers who wanted this information led the fight for this bill, which was first introduced in a different version more than 12 years ago.

FARE expects to work with teachers, food allergy advocates and other stakeholders to ensure that the materials from the commissioner of health are easy to understand and include examples of different epinephrine autoinjectors.

“Thank you to our New York legislators for making the teacher training law a reality,” **Jared Saiontz**, a 15-year-old with 26 anaphylactic food allergies who has been advocating for this bill since he was 4 years old, said in the press release.

“I know this law will allow students like me to thrive in school without fear, knowing that the teachers around them have the tools and training to protect us,” he said.

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[FDA advisory committee votes in support of epinephrine nasal spray for anaphylaxis](#)

[FDA accepts new drug application for epinephrine nasal spray](#)

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FDA asks ARS Pharma for more testing in epinephrine nasal spray approval process

Key takeaways:

- Neffy treats type 1 allergic reactions in adults and children who weigh 30 kg or more.
- ARS Pharma will appeal the FDA's decision and resubmit its new drug application once new testing is complete.

The FDA has issued a complete response letter to ARS Pharma concerning its new drug application for neffy epinephrine nasal spray, according to a press release from the company.

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