



Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 09-0851
Prime Sponsor(s): Sen. Sandoval
 Rep. Gagliardi

Date: May 26, 2009
Bill Status: Signed into Law
Fiscal Analyst: David Porter (303-866-4375)

TITLE: CONCERNING POLICIES FOR THE MANAGEMENT OF FOOD ALLERGIES AMONG SCHOOL CHILDREN, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
State Revenue		
State Expenditures		
General Fund	\$1,951	\$1,500
FTE Position Change		
Effective Date: The Governor signed the bill into law on May 14, 2009, and unless a referendum petition is filed, the bill will take effect August 5, 2009.		
Appropriation Summary for FY 2009-2010: See State Appropriations section.		
School District Impact: See School District Impact section.		

Summary of Legislation

This bill establishes the "Colorado School Children's Food Allergy and Anaphylaxis Management Act." The act requires the Colorado Department of Education (CDE) and Colorado Department of Public Health and Environment (CDPHE) to work together to develop a statewide policy for the management of food allergies among public school students by January 1, 2010. Among other things, the policy must address the following:

- ▶ parental notification of the policy and a standard form for parents of children with allergies to complete that details the child's allergy issues;
- ▶ strategies for communicating to emergency management services;
- ▶ strategies to reduce a child's risk of exposure to allergens;
- ▶ appropriate faculty and administrative staff training on how to respond to an allergic reaction, including administration of self-injectable epinephrine; and
- ▶ measures to ensure faculty and staff will be able to access a student's self-injectable epinephrine should a child suffer anaphylaxis.

After the policy is adopted by the State Board of Education, districts must adopt conforming policies by July 1, 2010.

State Expenditures

SB09-226 increases state General Fund expenditures by \$1,951 in FY 2009-10 and \$1,500 in FY 2010-11. Expenditures are within the CDE for rule making and travel for district and school outreach. Costs are as follows:

- ▶ *Travel and Outreach (\$1,500 annually)* – The CDE will provide assistance to districts, particularly districts that do not have full-time nurses, in adopting and implementing the statewide policy. An estimated 5 trips will be made at approximately \$200 each. The remaining \$500 will be used for materials and meeting costs.
- ▶ *Legal Services (\$451 in FY 2009-10)* – The CDE will require 6 hours of legal services from the Department of Law. Legal services are to assist the State Board in promulgating the rules and are at a rate of \$75.10 per hour.

Personnel in both the CDE and the CDPHE will have limited workload and operating expenses associated with creating the statewide policies and the required allergy information form. It is expected that these costs can be absorbed within existing appropriations.

School District Impact

School districts will have to adopt and implement a policy that conforms to the State Board's rules. The policy will require that districts be responsible for the following:

- ▶ distributing parental notification materials and allergy information forms for parents of allergic children;
- ▶ receiving forms from parents and using the information accordingly; and
- ▶ providing training to appropriate faculty and staff about emergency anaphylaxis treatment and administration of self-injectable epinephrine.

The bill's school district costs will depend on the details of the adopted policy, the district's implementation plan, and the school district's current allergy management policies.

State Appropriations

Consistent with this fiscal note, the bill includes a General Fund appropriation of \$1,951 to the Department of Education in FY 2009-10. Of this amount, the Department of Law requires \$451 in reappropriated funds.

Departments Contacted

Education

Public Health and Environment