

**STATE and LOCAL  
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 25, 2009)

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

**Date:** March 31, 2009  
**Bill Status:** Senate Appropriations  
**Fiscal Analyst:** David Porter (303-866-4375)

**TITLE:** CONCERNING POLICIES FOR THE MANAGEMENT OF FOOD ALLERGIES AMONG SCHOOL CHILDREN.

<b>Fiscal Impact Summary</b>	<b>FY 2009-2010</b>	<b>FY 2010-2011</b>
<b>State Revenue</b>		
<b>State Expenditures</b> General Fund	\$1,951	\$1,500
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill is effective August 4, 2009, if the General Assembly adjourns on May 6, 2009, as scheduled, and no referendum petition is filed.		
<b>Appropriation Summary for FY 2009-2010:</b> See State Appropriations section.		
<b>School District Impact:</b> See School District Impact section.		

**Summary of Legislation**

This bill, as amended by the Senate Education Committee, establishes the "Colorado School Children's Food Allergy and Anaphylaxis Management Policy 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 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**

For FY 2009-10, the Department of Education requires a General Fund appropriation of \$1,951. Of this amount, the Department of Law requires \$451 in reappropriated funds.

## **Departments Contacted**

Education

Public Health and Environment