118TH CONGRESS
1ST SESSION

S. 121

To amend the Child Nutrition Act of 1966 to require the provision of training and information to certain personnel relating to food allergy identification and response, and for other purposes.

IN THE SENATE OF THE UNITED STATES
JANUARY 26, 2023

Mr. DURBIN (for himself and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Child Nutrition Act of 1966 to require the provision of training and information to certain personnel relating to food allergy identification and response, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Children with Food Allergies Act”.

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4 with Food Allergies Act”.

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SEC. 2. FOOD ALLERGY TRAINING COMPLETION REQUIREMENT.

Section 7(g)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(g)(2)) is amended by adding at the end the following:

“(C) Food allergy training and certification for all local food service personnel.—

“(i) In general.—The Secretary shall develop, in consultation with relevant stakeholder groups with food allergy expertise, and publish training modules and other educational materials in accordance with clause (ii).

“(ii) Training modules.—A training program carried out under this subparagraph shall include training modules relating to—

“(I) the prevention of allergic reactions to food, which may include—

“(aa) communicating food allergen information in school menus, food products, and recipes;

“(bb) best practices to avoid cross-contact; and
“(cc) the availability of appropriate food substitutions for children with food allergies;
“(II) the identification of food-related allergic reaction symptoms; and
“(III) the appropriate responses to an allergic reaction to food.
“(iii) Certification of Local Personnel.—
“(I) In General.—In accordance with criteria established by the Secretary, local food service personnel shall complete training and receive a certification to demonstrate competence with respect to the training provided under clause (ii).
“(II) Treatment.—The Secretary may allow local food personnel to apply a certification received under this clause toward any other training requirements under this subsection.
“(iv) Methods for Inclusion.—
The training required under this subparagraph shall be provided, as the Secretary determines to be necessary, in—
“(I) relevant languages other than English, for individuals with limited English proficiency; and

“(II) relevant alternative formats, for individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

“(v) AVAILABILITY TO OTHER PERSONNEL.—The Secretary shall make the training provided under this subparagraph available to personnel under child nutrition programs not covered under this subsection, including personnel under—

“(I) the special milk program under section 3;

“(II) the summer food service program for children under section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761); and

“(III) the child and adult care food program under section 17 of that Act (42 U.S.C. 1766).
“(vi) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this subparagraph $1,000,000 for each of fiscal years 2024 through 2028.”.

SEC. 3. Activities to Support WIC-Eligible Individuals Impacted by Food Allergies.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) by redesignating subsections (l) through (s) as subsections (m) through (t), respectively;

(2) by inserting after subsection (k) the following:

“(I) Activities to Support WIC-Eligible Individuals Impacted by Food Allergies.—

“(1) In General.—In accordance with subsection (e), the Secretary shall—

“(A) submit to the Secretary of Health and Human Services for comment proposed nutrition education materials for use under subsection (e), which shall—

“(i) incorporate evidence-based findings from the United States Dietary Guidelines for Americans relating to food
allergies and potentially allergenic foods;

and

“(ii) include nutrition education materials for—

“(I) individuals with food allergies during pregnancy and in the postpartum period;

“(II) infants impacted by prenatal food allergy exposure; and

“(III) children with food allergies; and

“(B) after submitting the materials in accordance with subparagraph (A), publish and disseminate the materials for use under subsection (e).

“(2) REQUIREMENTS FOR INCLUSION.—

“(A) IN GENERAL.—The nutrition education materials under paragraph (1) shall be provided, as the Secretary determines to be necessary, in—

“(i) relevant languages other than English for individuals with limited English proficiency; and

“(ii) relevant alternative formats for individuals with disabilities (as defined in
section 3 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12102)).

“(B) OUTREACH.—In carrying out this paragraph, the Secretary shall conduct outreach to individuals who are, or may be—

“(i) eligible to participate in—

“(I) the program under this section; or

“(II) a training program of a State agency under subsection (e)(2); and

“(ii) impacted by food allergies.

“(3) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for fiscal year 2024.”;

(3) in subsection (q) (as redesignated by paragraph (1))—

(A) in paragraph (1), by striking “subsection (o)(1)(A)” and inserting “subsection (p)(1)(A)” and

(B) in paragraph (2)(B), by striking “subsection (o)(1)(A)” and inserting “subsection (p)(1)(A)” and
(4) in paragraph (5) of subsection (t) (as redesignated by paragraph (1)), by striking “subsection (r)” and inserting “subsection (s)”. 