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# 21 U.S. Code § 2205

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## Food allergy and anaphylaxis management

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### **(a) Definitions**

In this section:

#### **(1) Early childhood education program**

The term “early childhood education program” means—

- (A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);
- (B) a State licensed or regulated child care program or school; or
- (C) a State prekindergarten program that serves children from birth through kindergarten.

#### **(2) ESEA definitions**

The terms “local educational agency”, “secondary school”, “elementary school”, and “parent” have the meanings given the terms in section 7801 of title 20.

#### **(3) School**

The term “school” includes public—

- (A) kindergartens;
- (B) elementary schools; and
- (C) secondary schools.

#### **(4) Secretary**

The term “Secretary” means the Secretary of Health and Human Services.

### **(b) Establishment of voluntary food allergy and anaphylaxis management guidelines**

#### **(1) Establishment**

##### **(A) In general**

Not later than 1 year after January 4, 2011, the Secretary, in consultation with the Secretary of Education, shall—

- (i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and
- (ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

##### **(B) Applicability of FERPA**

Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of section 1232g of title 20 (commonly referred to as the “Family

Educational Rights and Privacy Act of 1974”).

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