



NEW YORK STATE SENATOR

Brian Benjamin

Senator Benjamin and State Senate Majority Pass Bill to Fight for Safety for Children with Food Allergies

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| ISSUE: **ALLERGIES, CHILDREN**



(Albany, NY) Senator Benjamin today announced that the New York State Senate passed S218B, Elijah's Law, which will help reduce incidences of anaphylaxis and other severe allergic reactions among children in the setting of a child care service provider.

“Elijah Silvera was just 3 years old when his daycare program, which was located in my district, and which had been notified of his allergy to dairy, fed him a cheese sandwich. I was

heartbroken when his family told me that he died of the resulting anaphylactic shock, and I promised to join my colleague Assemblymember Al Taylor in making sure this did not happen to another child in New York," **said bill sponsor State Senator Brian A. Benjamin.**

"Elijah's bright light may have left this world, but his story is lighting the way for us as we ensure that other children do not suffer the same fate. The bill we passed today requires that there be a plan in place to prevent tragedies like Elijah's death, which will defend our most precious resource: our children."

Elijah's Law would require the Health Commissioner to create a procedure and treatment plan, including responsibilities for child care services personnel, for responding to anaphylaxis, as well as training courses, individualized emergency health care plans for a child's allergy that could result in anaphylaxis, and a communications plan for the intake and dissemination of this information.

Elijah's father, Thomas Silvera, said "On average there are two children in every classroom in America living with a severe food allergy. Elijah's Law will go a long way to ensure that all children in every learning environment--daycare center, Pre-K programs, and K-12--are safer and better cared for when it comes to food allergies. Governor Cuomo once said, 'when New York does something, the rest of the country pays attention.' He's right. We're hoping he will take this lead and pass the most sweeping and comprehensive law in the country designed to protect children with food allergies. We're hoping that New York State will expand on Elijah's Echo."

District Leader Cordell Cleare, who helped connect Elijah's family to Senator Benjamin said,

"When there is any harm or loss of human life we naturally grieve and have great sorrow. But when that life is so young and the circumstances surrounding the harm and/or death are completely preventable, the grief is that much more. His family and the world lost precious Elijah due to such circumstances. But today, actions brought on by the unrelenting

determination of his parents and the compassion and commitment of Senator Brian Benjamin and the New York State Senate has resulted in legislation that when implemented will save others from this kind of tragic loss. I applaud the Senator for his work. Thank you Elijah's family for your strength and advocacy.”

RELATED LEGISLATION

2019-S218B

- Introduced

- ◦ In Committee Assembly
 - In Committee Senate

- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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[Relates to requiring anaphylactic policies for child care services](#)

January 02, 2019

Signed by Governor

Sponsored by **Brian Benjamin**

Do you support this bill?