



NEW YORK STATE SENATOR

Brian Benjamin

Elijah's Law, a Bill to Prevent Tragedies like the Death of Three-Year-Old Elijah Silvera, Has Been Signed Into Law

BRIAN BENJAMIN September 13, 2019

| ISSUE: **CHILD CARE, ALLERGIES**



(Harlem, NY) Senator Brian Benjamin and Assemblymember Al Taylor today gathered community members at a tree planted in honor of Elijah Silvera (S218B / A6971), a boy who died of anaphylactic shock after being fed food he was allergic too, to announce the signing of legislation to prevent future tragedies of this nature.

"Elijah Silvera was just three-years-old when he was fed a cheese sandwich at a daycare center that had been dutifully notified of his allergy to dairy," said Senator Benjamin. "I was heartbroken when his family told me that he died of the resulting anaphylactic shock, and I promised to join Assemblymember Al Taylor in ensuring this did not happen to another child and family in New York. Because of the work of Elijah's parents, who turned their pain into power, Assemblymember Taylor and I were able to introduce and pass Elijah's law in both the Senate and the Assembly last year, a bill that puts in place policies to prevent avoidable tragedies like Elijah's. Now, with Governor Cuomo's signature, it is law."

"In the United States on average there are two children in every classroom living with a severe food allergy. No family should live in fear that their child will suffer an allergic attack with no one on hand capable of treating it. Elijah's Law will improve the safety of all children by guaranteeing that youth in every learning environment are better cared for and that educational centers have the training and resources necessary to prevent and treat anaphylaxis," said Assemblymember Al Taylor. "I am extremely grateful to the Governor, my colleagues, and especially to the Silvera family and the Elijah's Echo Foundation for helping this bill get signed into law. With Elijah's Law we will ensure no other family in New York ever has to endure such a tragedy."

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 for the intake and dissemination of this information. New York School districts already have anaphylactic

policies for food allergies. Elijah’s law requires that child daycare programs follow similar guidelines for the prevention of and emergency response to anaphylaxis.

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 so glad he has taken this lead and signed the most sweeping and comprehensive law in the country designed to protect children with food allergies.”

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?