

## **Sabrina's Law, 2005 passed by Legislative Assembly**

On May 16, 2005, the Ontario Legislative Assembly passed Bill 3, a private member's bill sponsored by Liberal MLA David Levac. *Sabrina's Law, 2005* is named after Sabrina Shannon, a 13-year old student from Pembroke with a severe dairy allergy who died after eating french fries containing traces of cheese from her school's cafeteria. The law, which imposes new duties on Ontario school boards, is the first of its kind in Canada.

### **ANAPHYLACTIC POLICIES AND PLANS**

Under the new law, school boards will be required to have policies to deal with students at risk of anaphylaxis, defined as "a severe systemic allergic reaction which can be fatal, resulting in circulatory collapse or shock". The policies must be in place by January 1, 2006. Anaphylactic policies must contain

- strategies that reduce the risk of exposure to anaphylactic causative agents;
- a communication plan for disseminating information about life-threatening allergies;
- regular training for employees and others who are in regular contact with students about how to deal with life-threatening allergies;
- a requirement that school principals develop an individual plan for each student who has an anaphylactic allergy;
- a requirement that school principals ensure that, upon registration, parents, guardians and students are asked to supply information about any life-threatening allergies; and
- a requirement that school principals maintain a file for each anaphylactic student.

The individual plan for students with an anaphylactic allergy must include details about the type of allergy, monitoring and avoidance strategies and appropriate treatment, a readily accessible emergency procedure for the student, and storage for epinephrine auto-injectors if necessary.

### **ADMINISTRATION OF MEDICATION BY EMPLOYEES; PROTECTION FOR ACTIONS DONE IN GOOD FAITH**

School board employees may be preauthorized to administer medication or supervise a student while the student takes medication in response to an anaphylactic reaction, if the school has current treatment information and the consent of the parent, guardian or student. It is the obligation of the parent, guardian or student to ensure that the information in the student's file is kept current and includes the medication that the student is taking.

If an employee has reason to believe that a student is experiencing an anaphylactic reaction, the employee may administer an epinephrine auto-injector or other prescribed medication, even if there is no preauthorization to do so.

The new law provides that no action for damages may be instituted in relation to an act done in good faith or any neglect or default in good faith in response to an anaphylactic reaction, unless the damages are the result of an employee's gross negligence.

For further information, please contact [Paul Marshall](#) at (613) 940-2754.

For more news about recent developments in Employment and Labour Law, and for information about how our firm can assist you, please visit <http://www.emondharnden.com/>