



**DATE:** June 29, 2022

**TO:** Licensed Child Day Centers, Licensed Family Day Homes, Voluntarily Registered Family Day Homes, Licensed Family Day Systems, and Subsidy Vendors

**FROM:** Jeff Williams, Director of the Office of Child Care Health and Safety

**SUBJECT:** 2022 Legislative Implementation

This memo will inform you of legislation that passed in the 2022 Virginia General Assembly session that affects child day programs. The legislation will become effective July 1, 2022. This memo is for informational purposes only, and no action is required by providers related to this legislation at this time.

**House Bill 1328/Senate Bill 737**

[HB 1328](#) and [SB 737](#) add § 22.1-289.059 to the Code of Virginia. This legislation authorizes any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to possess and administer epinephrine to any child believed to be having an anaphylactic reaction. This legislation requires at least one of the individuals described above to be present and have access to epinephrine at all times during regular facility hours, that is stored in a locked or otherwise generally inaccessible container or area.

The Virginia Department of Education (VDOE) will amend applicable regulations to require each early childhood care and education entity to implement policies for the possession and administration of epinephrine. The policies shall require that a nurse at the entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to have access to and administer epinephrine.

This legislation also amends § 54.1-3408 of the Code to allow a nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department to possess and administer epinephrine if authorized by a prescriber and trained in the administration of epinephrine. Licensed programs that intend to implement this practice pursuant to an order or a standing protocol issued by the prescriber prior to regulations being amended by the Department must request and be approved for an allowable variance before implementing this practice.

Information regarding updates to regulatory requirements, training resources, and acquiring stock epinephrine for use in child care programs will be provided by VDOE as well as additional resources and information as it becomes available. Inspectors will not be determining compliance with these new requirements until the updated regulations have been implemented.

Please contact Tatanishia Armstrong, Legislative Consultant, at [tatanishia.armstrong@doe.virginia.gov](mailto:tatanishia.armstrong@doe.virginia.gov) if you have any questions.