

HOUSE No. 3987

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 4, 2016.

The committee on Public Health to whom was referred the petition (accompanied by bill, House, No. 1885) of Ruth B. Balsler and others relative to requiring choke response training in all restaurants, reports recommending that the accompanying bill (House, No. 3987) ought to pass.

For the committee,

KATE HOGAN.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act protecting the health and safety of people in restaurants.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 94 of the General Laws, as appearing in the 2014 Official Edition,- is
2 hereby amended by striking out section 305D and inserting in place thereof the following
3 section:-

4 Section 305D. Each retail food establishment shall have on its premises, when
5 food is being served, an employee trained in manual procedures approved by the department of
6 public health to remove food lodged in a person’s throat. The department of public health shall
7 adopt regulations listing all approved manual procedures which it determines may be used
8 effectively to remove food lodged in a person’s throat. Each such retail food establishment shall
9 make adequate provisions for insurance to cover employees trained in rendering such assistance.
10 The local board of health shall notify all retail food establishments subject to this chapter of their
11 obligations under the law, and provide municipal health inspectors with written fact sheets and
12 copies of this statute, and information regarding certified training sites and organizations, for
13 distribution to all retail food establishments subject to this chapter.

14 Any person, or employee of any person, who has been properly trained in these
15 procedures, and in good faith, volunteers to remove or attempts to remove such food in an
16 emergency shall not be liable for any civil damages as a result of any acts or omissions by such
17 person or employee in rendering such emergency assistance. Take-out only restaurants, so-
18 called, with no customer seating on the premises, as well as food trucks, so-called, shall not be
19 subject to this section.