

HOUSE No. 1845

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balsler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------------|---------------------------------------|------------------|
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> | <i>1/15/2019</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> | <i>1/23/2019</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>1/30/2019</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>1/31/2019</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/1/2019</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i> | <i>2/1/2019</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>2/1/2019</i> |

HOUSE No. 1845

By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 1845) of Ruth B. Balsler and others relative to requiring choke response employee training in all restaurants. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2431 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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,
2 is hereby amended by striking out section 305D and inserting in place thereof the following
3 section:

4 Section 305D. Each food establishment shall have on its premises, when food is being
5 served, an employee trained in manual procedures approved by the department of public health
6 to remove food lodged in a person’s throat. The department of public health shall adopt
7 regulations listing all approved manual procedures which it determines may be used effectively
8 to remove food lodged in a person’s throat. Each such food establishment shall make adequate
9 provisions for insurance to cover employees trained in rendering such assistance. The local board
10 of health shall notify all food establishments subject to this chapter of their obligations under the

11 law, and provide municipal health inspectors with written fact sheets and copies of this statute,
12 and information regarding certified training sites and organizations, for distribution to all food
13 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.