

# HOUSE . . . . . No. 4273

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, December 2, 2021.

The committee on Public Health to whom was referred the petition (accompanied by bill, House, No. 2224) of Ruth B. Balsler relative to requiring choke response employee training in all restaurants, reports recommending that the accompanying bill (House, No. 4273) ought to pass.

For the committee,

MARJORIE C. DECKER.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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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 Chapter 94 of the General Laws, as appearing in the 2020 Official Edition, is hereby  
2 amended by striking out section 305D and inserting in place thereof the following section:-

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

13           Each food establishment shall display on its premises, in an area that is reasonably  
14 accessible to customers, a poster that visibly instructs how to assist a person who is choking. The  
15 poster shall be developed by the department.

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