

By Mr. Bly of Saugus, petition of Belden G. Bly, Jr., for legislation to require all restaurants to have a device for use in removing food lodged in a person's throat. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT PROVIDING THAT ALL RESTAURANTS HAVE A DEVICE FOR USE IN REMOVING FOOD LODGED IN A PERSON'S THROAT.

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 is hereby amended by inserting
2 after section 305C the following section: —

3 *Section 305D.* Every restaurant, having a dining or seating
4 capacity of twenty-five persons or more, shall have upon the
5 premises a device approved by the commissioner of public health,
6 designed and intended for use in removing food which may
7 become lodged in a person's throat. The commissioner shall
8 adopt regulations listing all such approved devices that may be
9 used effectively to remove food lodged in a person's throat. Every
10 restaurant shall keep the device in a readily accessible location
11 conspicuous to employees, with diagrams and illustrations, which
12 have been approved by the commissioner, which demonstrate
13 non-instrumental choke-saving techniques.

14 No person shall be obligated to remove, assist in removing, or
15 attempt to remove, food which may become lodged in a person's
16 throat. Any person, or employee of any person, who, in good
17 faith and/or a volunteer, removes or attempts to remove such
18 food in an emergency shall not be liable for any civil damages as a
19 result of any acts or omissions by such person in rendering such
20 emergency assistance.

21 Any person violating the provisions of this section shall be
22 guilty of a misdemeanor and for each such offense shall be fined
23 not more than fifty dollars.

