

HOUSE No. 2130

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>1/18/2023</i>

HOUSE No. 2130

By Representative Balsler of Newton, a petition (accompanied by bill, House, No. 2130) of Ruth B. Balsler relative to requiring choke response employee training in all restaurants. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4273 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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.