

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 783 Session of 2019

INTRODUCED BY MARSHALL, MURT, BERNSTINE, QUINN, ZIMMERMAN, MILLARD, McNEILL, READSHAW, FREEMAN, WARNER, MARKOSEK AND SCHLEGEL CULVER, MARCH 11, 2019

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 14, 2019

AN ACT

1 Establishing the Infant CPR and Choking Education and Prevention
2 Program; and providing for educational and instructional
3 materials, for duties of department, for criminal or civil
4 liability and for regulations.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Infant CPR
9 and Choking Education Act.

10 Section 2. Declaration of purpose.

11 The General Assembly finds and declares as follows:

12 (1) Choking deaths are the fourth most common cause of
13 accidental death in infants under one year of age.

14 (2) An average of 140 children choke to death each year.

15 (3) An average of more than 10,000 emergency room visits
16 for children under 14 years of age occur each year due to
17 choking.

18 (4) Seventy-five percent of choking episodes occur in

1 children under three years of age.

2 (5) According to the United States Department of Health
3 and Human Services Centers for Disease Control and
4 Prevention, choking is the leading cause of all injury deaths
5 for infants under one year of age.

6 (6) Seventy percent of infant cardiac arrests occur at
7 home.

8 (7) An average of only 6.2% of infants under one year of
9 age who experience an out-of-hospital cardiac arrest survive
10 to make it to the hospital.

11 (8) According to the American Heart Association, parents
12 are among the most important people who need to learn how to
13 provide choking relief and CPR to their children.

14 (9) The purpose of this act is to educate the parents of
15 infants on infant choking, infant Heimlich maneuver
16 procedures and infant CPR measures, including the
17 availability of educational and prevention sessions.

18 Section 3. Definitions.

19 The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "CPR." Cardiopulmonary resuscitation.

23 "Department." The Department of Health of the Commonwealth.

24 "Health care facility." As defined in section 802.1 of the
25 act of July 19, 1979 (P.L.130, No.48), known as the Health Care
26 Facilities Act.

27 "Health care practitioner." ~~An individual who is authorized~~ <--
28 ~~to practice some component of the healing arts by a license,~~
29 ~~permit or certificate of registration issued by a Commonwealth~~
30 ~~licensing agency or board.~~ AS DEFINED IN SECTION 103 OF THE ACT <--

1 OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
2 FACILITIES ACT.

3 "Infant." A child 30 days of age or older and younger than
4 24 months of age.

5 "Newborn." A child 29 days of age or younger.

6 "Parent." A natural parent, stepparent, adoptive parent,
7 legal guardian or legal custodian of a child.

8 "Program." The Infant CPR and Choking Education and
9 Prevention Program.

10 Section 4. Establishment of program.

11 (a) Establishment.--The department shall establish an Infant
12 CPR and Choking Education and Prevention Program to promote
13 awareness and education regarding infant choking hazards, infant
14 Heimlich maneuver procedures and infant CPR measures.

15 (b) Public awareness.--The department shall design and
16 implement strategies for raising public awareness of the program
17 and infant choking hazards, including, but not limited to,
18 infant choking risk factors and prevention measures.

19 Section 5. Educational and instructional materials.

20 (a) Materials.--The following apply:

21 (1) The department shall distribute readily
22 understandable educational and instructional materials
23 regarding infant choking hazards, infant Heimlich maneuver
24 procedures and infant CPR measures to a health care facility
25 that participates in the program. The materials shall explain
26 the risk factors associated with infant choking and emphasize
27 safe environments for infants.

28 (2) A health care facility which participates in the
29 program shall provide the materials under paragraph (1) to
30 each parent of a newborn upon discharge from the health care

1 facility at no cost.

2 (b) Acknowledgment statement.--The following apply:

3 (1) A health care facility which participates in the
4 program shall provide an acknowledgment statement to a parent
5 of a newborn child who received educational and instructional
6 materials under subsection (a) upon discharge from the health
7 care facility. Upon receipt, the parent shall sign the
8 acknowledgment statement certifying that the parent has
9 received educational and instructional materials under
10 subsection (a).

11 (2) The health care facility shall provide one copy of
12 the signed acknowledgment statement under paragraph (1) to
13 the parent and place one copy on file in the health care
14 facility.

15 (3) The acknowledgment statement under paragraph (1)
16 shall be set forth in a form to be prescribed by the
17 department.

18 (c) Presentation.--The following apply:

19 (1) The department shall provide a presentation on the
20 importance of parents learning how to perform the infant
21 Heimlich maneuver and infant CPR procedures for a health care
22 facility which participates in the program.

23 (2) A health care facility which participates in the
24 program shall make the presentation under paragraph (1)
25 available to each parent of a newborn expected and delivered
26 in the health care facility.

27 (d) Locations.--A health care facility which participates in
28 the program shall provide information regarding locations where
29 educational sessions on infant Heimlich maneuver procedures and
30 infant CPR measures are provided within close proximity to the

1 health care facility.

2 Section 6. Duties of department.

3 For the purpose of implementing the program, the department
4 shall have the following duties:

5 (1) Preparing a list of community-based services
6 available to parents regarding infant choking risk factors
7 and creating safe environments for infants.

8 (2) Preparing a list of approved presentations under
9 section 5(c)(1) to be offered at health care facilities.

10 (3) Coordinating with other State and local governmental
11 agencies, community and business leaders, community
12 organizations, health care providers and national
13 organizations to maximize the resources available for the
14 program.

15 (4) Identifying and using successful infant choking
16 prevention strategies, infant Heimlich maneuver procedures
17 and infant CPR measures from organizations with appropriate
18 experience and knowledge of the subject.

19 Section 7. Criminal or civil liability.

20 Nothing in this act shall be construed to hold a health care
21 facility or health care practitioner criminally or civilly
22 liable for the action or inaction of a parent during a choking
23 episode of a newborn or infant.

24 Section 8. Regulations.

25 The department may promulgate regulations necessary to
26 implement the provisions of this act.

27 Section 9. Effective date.

28 This act shall take effect in 60 days.