

HOUSE No. 1885

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balser

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:
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>

HOUSE No. 1885

By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 1885) of Ruth B. Balsler and others relative to requiring choking training in all restaurants. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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

3 Section 305D. Each Food Service Establishment shall have on its premises,
4 when food is being served, an employee trained in manual procedures approved by the
5 department of public health to remove food lodged in a person’s throat. The department of public
6 health shall adopt regulations listing all approved manual procedures which it determines may be
7 used effectively to remove food lodged in a person’s throat. Each such Food Service
8 Establishment shall make adequate provisions for insurance to cover employees trained in
9 rendering such assistance. The Department of Public Health shall notify all Food Service
10 Establishments subject to this chapter of their obligations under the law, and provide municipal
11 health inspectors with written fact sheets and copies of this statute, and information regarding
12 certified training sites and organizations, for distribution to all Food Service Establishments
13 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.