

**HOUSE . . . . . No. 4207**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Rodney M. Elliott***

*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 relative to airway clearance devices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>6/21/2023</i>

**HOUSE . . . . . No. 4207**

By Representative Elliott of Lowell, a petition (subject to Joint Rule 12) of Rodney M. Elliott for legislation to authorize school districts to provide portable airway clearance devices on-site at school facilities where instructions are provided. Education.

**The Commonwealth of Massachusetts**

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

An Act relative to airway clearance devices.

*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 71 of the General Laws, as appearing in the 2020 Official Edition, is hereby  
2 amended by inserting after section 54C the following section:-

3 SECTION 54D. (a) Each school district, vocational district, charter school, approved  
4 private day or residential school and collaborative school shall, subject to appropriation, provide  
5 and maintain at least 1 portable airway clearance device on-site at each school facility where  
6 instruction is provided. Each school nurse and school employee assigned to work in the school  
7 cafeteria shall be trained in the use of a portable airway clearance device. For the purposes of this  
8 section, “portable airway clearance device ” shall mean a portable medical device that uses  
9 manually created suction to remove blockage from the airway during a choking emergency and  
10 has been registered as a Class II acute upper airway obstruction device with the United States  
11 Food and Drug Administration. This section shall take effect in a city or town as provided in

12 section 4 of chapter 4 of the General Laws and in a regional school district by vote of the school  
13 committee.

14 (b) If a school system is unable to comply with the requirements of this section, the  
15 superintendent of the school district, the administration of a private day or residential school, or  
16 the board of trustees of a charter school, shall request a hardship waiver from the department of  
17 elementary and secondary education. The Department of Elementary and Secondary Education,  
18 in consultation with the Department of Public Health, shall make available to public schools a  
19 list of grants and other funding sources that a public school may access to facilitate the purchase  
20 of portable airway clearance devices.

21 (c) A school employee on staff by a school subject to this section who, in good faith,  
22 attempts to render emergency care, including the use of a portable airway clearance device, and  
23 does so without compensation, shall not be liable for acts or omissions, other than gross  
24 negligence or willful or wanton misconduct, resulting from the attempt to render such emergency  
25 care.

26 (d) The Department of Elementary and Secondary Education, in consultation with the  
27 Department of Public Health, shall establish regulations and guidelines for the implementation,  
28 training, support, and supervision of this section.