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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2291

Session of  
1982

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INTRODUCED BY CLARK, GRUPPO, RICHARDSON, LIVENGOD, PETRARCA,  
FRYER, COLAFELLA, CORDISCO AND KOLTER, FEBRUARY 24, 1982

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 24, 1982

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AN ACT

1 Relating to first aid instructions for public eating places.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Definitions.

5 The following words and phrases when used in this act shall  
6 have, unless the context clearly indicates otherwise, the  
7 meanings given to them in this section:

8 "Choking emergency." A situation occurring in a public  
9 eating establishment in which food has become lodged in a  
10 person's throat in such a manner as to prevent or severely  
11 inhibit the continued breathing of such person.

12 "Public eating establishment." A cafeteria or lunchroom  
13 located in a school or educational institution and a restaurant,  
14 dining room, dining car or other place engaged in the  
15 preparation and service on the premises of food for and to the  
16 general public.

17 "Secretary." The Secretary of the Department of Health.

1 Section 2. First aid instructions.

2 (a) The secretary shall adopt and approve first aid  
3 instructions designed and intended for use in removing food  
4 lodged in the throat of a victim of a choking emergency. Such  
5 instructions shall be limited to first aid techniques not  
6 involving the use of any physical instrument or device to be  
7 inserted into the victim's mouth or throat.

8 (b) The secretary shall supply to the proprietor of every  
9 public eating establishment in this Commonwealth such adopted  
10 and approved instructions.

11 Section 3. Posting.

12 The proprietor of every public eating establishment in this  
13 Commonwealth shall, upon receipt thereof, post such instructions  
14 in a conspicuous place or places in order that the proprietor  
15 and employees may become familiar with them, and in order that  
16 the instructions may be consulted by any person attempting to  
17 provide relief to the victim of a choking emergency; provided,  
18 that the fact that such instructions shall not have been posted  
19 as required by this section at the time of a choking emergency  
20 shall not in and of itself subject such a proprietor, or his  
21 employees or agents, to liability in any civil action for  
22 damages for personal injuries or wrongful death arising from  
23 such choking emergency.

24 Section 4. No duty to act.

25 Nothing contained in this section shall impose any duty or  
26 obligation on any proprietor, employee or other person to  
27 remove, assist in removing, or attempt to remove food from the  
28 throat of the victim of a choking emergency.

29 Section 5. Immunity from liability.

30 Notwithstanding any inconsistent provision of law or

1 ordinance, a proprietor, employee or other person who  
2 voluntarily and without expectation of monetary compensation  
3 removes, assists in removing, or attempts to remove food from  
4 the throat of the victim of a choking emergency in accordance  
5 with the instructions adopted by the commissioner shall not be  
6 liable for damages for injuries alleged to have been sustained  
7 by such victim or for damages for the death of such victim  
8 alleged to have occurred by reason of an act or omission in the  
9 rendering of such emergency assistance unless it is established  
10 that such injuries were, or such death was, caused by gross  
11 negligence on the part of such proprietor, employee or person.

12 Section 6. Effective date.

13 This act shall take effect immediately.