

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 263

Session of
1983

INTRODUCED BY GRUPPO, GAMBLE, BELFANTI, CESSAR, DeWEESE, RYBAK,
TELEK, WAMBACH, WASS, GALLEN, WACHOB, CIMINI, BOWSER,
MADIGAN, ITKIN, PETERSON, MERRY, VROON, PISTELLA, REBER,
WOGAN, FISCHER, GANNON, E. Z. TAYLOR, ARTY, STAIRS, MARMION,
D. W. SNYDER, KOWALYSHYN, HOFFEL, OLASZ, SEMMEL, BOYES,
ANGSTADT, BOOK AND BLAUM, FEBRUARY 16, 1983

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 16, 1983

AN ACT

1 Amending the act of May 23, 1945 (P.L.926, No.369), entitled "An
2 act for the protection of the public health by regulating the
3 conduct and operation of public eating and drinking places
4 within this Commonwealth; requiring their licensing; imposing
5 certain duties on the Department of Health of this
6 Commonwealth and on the local health authorities; and
7 providing penalties," providing for the display of a placard
8 and for legal duties and liabilities relating to choking
9 emergencies.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of May 23, 1945 (P.L.926, No.369),
13 entitled "An act for the protection of the public health by
14 regulating the conduct and operation of public eating and
15 drinking places within this Commonwealth; requiring their
16 licensing; imposing certain duties on the Department of Health
17 of this Commonwealth and on the local health authorities; and
18 providing penalties," is amended by adding a section to read:

19 Section 9.1. (a) As used in this section, the term "public

eating or drinking place" means any establishment serving food to the public for consumption on the premises. The term shall not include establishments operated on a temporary basis by charitable or nonprofit organizations.

(b) In every public eating or drinking place there shall be displayed a placard describing first aid techniques which should be administered to a person who has food particles lodged in his throat and is choking. The placard shall be displayed in a place or places where the proprietor and employes or patrons can become familiar with the approved first aid techniques.

(c) The placard shall be of a size and design suitable for public posting and shall be approved by the Department of Health in the manner provided in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and as otherwise provided by law for the promulgation of regulations.

(d) Nothing contained in this section or otherwise shall impose any duty or obligation of any proprietor, employe or other person to remove, assist in removing or attempt to remove food from the throat of the victim of a choking emergency.

(e) A proprietor, employe or other person who voluntarily and without expectation of monetary compensation removes, assists in removing or attempts to remove food from the throat of the victim of a choking emergency shall not be liable for damages for injuries alleged to have been sustained by such victim unless it is established that such injuries were, or such death was, caused by gross negligence on the part of such proprietor, employe or person.

Section 2. This act shall take effect in 120 days.