

HD1055 - An Act protecting the health and safety of people in restaurants

Filed by Representative Balsler

Section 1. Chapter 94 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out section 305D and inserting in place thereof the following section:

Section 305D. Each food establishment shall have on its premises, when food is being served, an employee trained in manual procedures approved by the department of public health to remove food lodged in a person's throat. The department of public health shall adopt regulations listing all approved manual procedures which it determines may be used effectively to remove food lodged in a person's throat. Each such food establishment shall make adequate provisions for insurance to cover employees trained in rendering such assistance. The local board of health shall notify all food establishments subject to this chapter of their obligations under the law, and provide municipal health inspectors with written fact sheets and copies of this statute, and information regarding certified training sites and organizations, for distribution to all food establishments subject to this chapter.

Any person, or employee of any person, who has been properly trained in these procedures, and in good faith, volunteers to remove or attempts to remove such food in an emergency shall not be liable for any civil damages as a result of any acts or omissions by such person or employee in rendering such emergency assistance. Take-out only restaurants, so-called, with no customer seating on the premises, as well as food trucks, so-called, shall not be subject to this section.