

1 AN ACT relating to choking prevention in schools.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, "anti-choking device" means a portable suction device*
6 *used to remove an airway obstruction during a choking emergency that has been*
7 *registered as a Class II medical device with the United States Food and Drug*
8 *Administration.*

9 *(2) If a school acquires an anti-choking device, it shall ensure that all school*
10 *cafeteria personnel and any other expected users of the device receive training in:*
11 *(a) The Heimlich maneuver; and*
12 *(b) Accordance with the manufacturer's instructions for assembly and use of*
13 *the device.*

14 *(3) Any person or entity who, in good faith and without remuneration or the*
15 *expectation of remuneration, renders emergency care or treatment by use of an*
16 *anti-choking device or the Heimlich maneuver on public or private school*
17 *property or while attending a school-sponsored event shall be immune from civil*
18 *liability for any personal injury as a result of the care or treatment, or as a result*
19 *of any act or failure to act in providing or arranging further medical treatment,*
20 *where the person acts as an ordinary, reasonable prudent person would have*
21 *acted under the same or similar circumstances.*

22 *(4) The administration of emergency care or treatment in subsection (3) of this*
23 *section by employees or contractors of a board of education, outside of a location*
24 *within a school building where medical care is typically rendered, shall not be*
25 *considered to be rendered for remuneration or with the expectation of*
26 *remuneration because the employees or contractors perform medical care as part*
27 *of their regular professional or work responsibilities.*

1 (5) The immunity from civil liability for any personal injury under subsections (3)
2 and (4) of this section includes the person or entity who provides the anti-choking
3 device and the person or entity responsible for the site where the anti-choking
4 device is located.

5 (6) The immunity from civil liability under subsections (3) and (4) of this section
6 does not apply if the personal injury results from the gross negligence or willful
7 or wanton misconduct of the person rendering the emergency care.

8 ➔Section 2. This Act may be cited as Landon's Law.