

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.