

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 537

(Senator Zirkin)

Finance

**Business Regulation - Restaurants - Personnel Trained in First Aid and CPR
Procedures**

This bill requires restaurants to have an employee on premises during business hours who is trained to administer first aid, including the Heimlich maneuver and cardiopulmonary resuscitation (CPR). Certification must be obtained through a training course offered by the American Red Cross or a program with equivalent standards.

Fiscal Summary

State Effect: None. The bill pertains exclusively to private-sector activities.

Local Effect: None.

Small Business Effect: Potential meaningful. The cost and the dedication of time required for certification may impose a financial and operational burden on restaurants that are small businesses.

Analysis

Current Law: Restaurants in the State are not required to have a staff member trained in first aid; however, restaurants must post a diagram or illustrative directions that depict the administration of the Heimlich maneuver to prevent asphyxiation due to choking. A person who applies the maneuvers depicted in a posted diagram to dislodge food from the throat of another is liable only if the person's actions amount to gross negligence.

Background: New York requires restaurants, bars, theatres, and health clubs to make CPR equipment available to rescuers in the event of a medical emergency. Businesses are required to store two U.S. Food and Drug Administration-approved adult and child resuscitation masks and four pairs of disposable gloves in an accessible area. The equipment must have an attached information label.

According to the New York Department of Health, over 20,000 calls per year are made from recreational sites and businesses for emergency assistance, and immediate aid from a rescuer trained in CPR increases the victim's chances of survival. Because performing CPR without a resuscitation mask and gloves may put the rescuer at risk for exposure to infectious disease, a trained person may hesitate to perform CPR if protective equipment is not available. New York does not require these businesses to have personnel trained in first aid available during business hours.

The Red Cross advises that courses in first aid, including training in CPR, are offered by the State's seven regional chapters. The frequency of the courses depends on demand in the area served by the local chapter. However, courses are typically offered every one to two weeks throughout the State. Fees for a first aid course vary, but generally are less than \$60 per person and certification takes about seven hours. According to the Red Cross, group courses to certify multiple people are available and can be conducted at a workplace instead of at the Red Cross chapter headquarters. The estimated cost for a group course, based on eight participants, is about \$500.

Small Business Effect: Many restaurants are small businesses and may have difficulty meeting the bill's requirements. Restaurants often experience a high staff turnover (including management staff) and may have to conduct group or individual certifications annually, or more often, to comply with the bill due to staff attrition.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Frederick County Chapter of the American Red Cross, New York State Department of Health; Department of Health and Mental Hygiene; Maryland Institute for Emergency Medical Services Systems; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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