

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 117
Ways and Means

**Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen
Levy Airway Clearing Device Act)**

This bill requires each local board of education to establish a policy for public schools to obtain at least one “airway clearing device” per school and authorize the school nurse or other school personnel to use such a device on an individual experiencing a choking emergency. The bill provides a good faith exemption from liability for school nurses or other school personnel and establishes certain required elements for county policies. The Maryland State Department of Education (MSDE) must develop and disseminate a standard form for public schools to report each incident requiring the use of an airway clearing device. Each public school must report to MSDE each incident at the school or at a related school event that required the use of an airway clearing device. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: MSDE can develop, disseminate, and collect responses from a standard incident reporting mechanism and collaborate with the Maryland Department of Health (MDH) on updating appropriate School Health Services Guidelines with existing budgeted resources. Revenues are not affected.

Local Effect: Local school system (LSS) expenditures increase meaningfully to stock at least one airway clearing device per school. LSS and (in some jurisdictions local health department (LHD)) expenditures may increase by a minimal and likely absorbable amount for training school nurses and staff. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: “Airway clearing device” means a portable medical device that uses manually created suction to remove a blockage from the airway during a choking emergency.

The bill provides a good-faith exemption from liability for a school nurse or other school person who, except for any willful or grossly negligent act, responds to an individual experiencing a choking emergency in accordance with the bill.

A county policy regarding airway cleaning devices must include requirements for (1) storage of the device in areas where students or school personnel primarily eat and (2) training for the school nurse and other school personnel on how to recognize the symptoms of an individual experiencing a choking emergency and procedures for the use of an airway clearing device on such an individual.

Current Law: With the assistance of LHDs, each local board of education must provide adequate school health services, instruction in health education, and a healthful school environment. MSDE and MDH must jointly develop public standards and guidelines for school health programs and offer assistance to the local boards of education and LHDs in their implementation.

MSDE and MDH must jointly establish guidelines for public schools regarding emergency care for students with special health needs. The guidelines must include procedures for the emergency administration of medication and the proper follow-up emergency procedures, a description of parental or caregiver responsibilities, a description of school responsibilities, a description of student responsibilities that are age and condition appropriate, and any other issue that is relevant to the emergency medical care of students with special health needs. MSDE and MDH must provide technical assistance to schools to implement the guidelines established, train designated school personnel at the local level, and develop a process to monitor the implementation of the guidelines.

MSDE’s Maryland State School Health Services [Guidelines for Emergency Care in Maryland Schools](#) contain *recommended* procedures to serve as “what to do in an emergency information” for school staff with minimal training to guide decision making in an actual emergency. The guidelines include recommendations for emergency choking situations.

MSDE advises that the agency already collects, tracks, and analyzes incident reports from all public schools on epinephrine, bronchodilator, and naloxone administration.

Local Expenditures: Airway clearing devices are available for about \$60 each. Therefore, the cost to stock at least one device at each of Maryland's more than 1,400 public schools is roughly \$85,200 statewide. Exact costs for each LSS depend on the price of such devices available and the number of devices local policies require each school to stock (as the bill requires *at least* one device per school and local jurisdictions may choose to stock additional replacement devices). Costs to LSSs may be lower to the extent they are able to buy such devices in bulk.

Frederick County Public Schools advise that the school system may incur minimal additional costs to purchase and install wall-mounted cases for the airway clearing devices. LSSs will also incur ongoing replacement costs for at least portions of the device every two to three years.

LSSs also may face minimal costs to train school nurses and other school personnel in the appropriate use of airway clearing devices. As LHDs provide school nurses in approximately 14 jurisdictions, LHD expenditures may increase minimally in those jurisdictions for training costs. These costs are offset to the extent LSSs and LHDs can partner with organizations that provide airway clearing device training at no cost.

Additional Comments: The U.S. Food and Drug Administration (FDA) generally encourages the public to follow [established choking rescue protocols](#), which do not include the use of airway clearing devices. In a [November 13, 2025 Safety Communication](#), FDA noted, “anti-choking devices currently sold over-the-counter do not have FDA marketing authorization, meaning the FDA has not evaluated the safety and effectiveness of those devices. Consumers, parents, caregivers, and health care providers should be aware that using an unauthorized anti-choking device before established protocols could delay critical life-saving action.”

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 219 (Senator Salling) - Education, Energy, and the Environment.

Information Source(s): Maryland State Department of Education; Maryland Association of County Health Officers; Anne Arundel County Public Schools; Baltimore City Public Schools; Frederick County Public Schools; Montgomery County Public Schools; St. Mary's County Public Schools; Wicomico County Public Schools; Department of Legislative Services

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jg/jc

Analysis by: Michael E. Sousane

Direct Inquiries to:
(410) 946-5510
(301) 970-5510