Maryland
STATE DEPARTMENT OF EDUCATION

Carey M. Wright, Ed.D.
State Superintendent of Schools
Joshua L. Michael, Ph.D.
President, State Board of Education

TO: Education, Energy, and the Environment Committee

BILL: Senate Bill (SB) 219- Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act)

DATE: February 18, 2026

POSITION: Letter of Information

The Maryland State Department of Education (MSDE) is providing information regarding Senate Bill 219, which requires each local education agency (LEA) to establish a policy to obtain at least one airway clearing device per school, for use in emergency situations. While MSDE recognizes the sensitivity of this topic and the intent of SB 219 to address choking emergencies in schools, the Department believes further evaluation is necessary before introducing devices that do not have FDA authorization or sufficient evidence of safety and effectiveness.

To provide context on safety considerations, MSDE notes that the U.S. Food and Drug administration (FDA) issued an alert on October 8, 2025 listing multiple suction anti-choking devices that have not been authorized for distribution in the U.S. The FDA issued a warning letter to DeChoker LLC on May 10, 2021, stating that the DeChoker tracheobronchial suction device is not in compliance with the current good manufacturing practice requirements of the Quality System regulation. In October 2025, the FDA issued a warning letter to LifeVac, LLC, for marketing an unauthorized Class III device and being adulterated, citing potential public health risks.

According to its website, the FDA is "aware of certain manufacturers of anti-choking products who have registered their establishments and listed their devices with the FDA. When a facility registers and lists its devices, the resulting entry in the FDA's registration and listing database does not denote approval, clearance, or authorization of that facility or its medical devices. The FDA continues to notify manufacturers who have listed their devices under an incorrect device classification that they must bring their products into compliance with the FDA's medical device requirements."

The introduction of a new device will require training for school nurses and designated personnel on recognizing choking symptoms and using the device. There are several devices on the market; directions for proper storage and use may vary. A key component of training should include current FDA guidance for choking emergencies. The FDA has said the use of over-the-counter devices "could delay critical lifesaving action."

MSDE respectfully requests that you consider how to align with the bill with federal guidance as **SB 219** is discussed and deliberated. For further information, please contact Laurel Cratsley, Interim Executive Director of Government Affairs, at Laurel.Cratsley@maryland.gov.