



**2026 SESSION
POSITION PAPER**

BILL: SB 219 – Public Schools – Airway Clearing Device Availability and Use – Policy (Bowen Levy Airway Clearing Device Act)
COMMITTEE: Senate – Education, Energy, and the Environment Committee
POSITION: Letter of Opposition
BILL ANALYSIS: SB 219 requires each county board of education to establish a policy to obtain at least one airway clearing device per school and to authorize school nurses and other school personnel to use an airway clearing device in choking emergencies.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) respectfully submits this LOO for SB 219. MACHO appreciates the intent of this legislation and the shared goal of protecting students from choking emergencies. However, we have serious concerns that the bill could unintentionally compromise patient safety, depart from evidence-based medical practice, and risk delaying effective care during a medical emergency.

The U.S. Food and Drug Administration (FDA) has not authorized any over-the-counter airway clearing devices for marketing and use in the US. As of this writing, these devices have not undergone the rigorous scientific testing or clinical trials necessary to ensure their safety and efficacy. Appropriate evidence-based use protocols have not been developed. The FDA has received reports of adverse outcomes associated with unapproved anti-choking devices, including failure to resolve the choking incident due to lack of suction, bruising to the face, lips, and mouth, and injuries to the back of the throat. These concerns have prompted the FDA to issue warning letters to the manufacturers of these devices.¹

In addition, the American Heart Association (AHA), which establishes nationally recognized standards for emergency cardiovascular care and choking response protocols, does not recommend the use of airway-clearing devices in choking emergencies. The AHA's current recommendations focus on back blows and abdominal thrusts (i.e., the Heimlich maneuver), interventions that are supported by extensive research and clinical experience. Requiring the use of an unapproved device in a choking emergency may unintentionally delay the use of these proven, life-saving techniques and could negatively affect outcomes for individuals who are choking.

Rather than mandating the presence or use of unregulated devices in schools, MACHO recommends expanding access to evidence-based AHA choking education and training to all school personnel and improving the supervision of students during mealtime, when choking risks are elevated. These approaches align with established medical guidance and prioritize student safety through proven, effective prevention and response strategies.

For these reasons, the Maryland Association of County Health Officers submits this LOO for SB 219. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaioral@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

¹U.S. Food and Drug Administration. Update: FDA Encourages the Public to Follow Established Choking Rescue Protocols - FDA Safety Communication. Accessed on January 25, 2025 at: <https://www.fda.gov/medical-devices/safety-communications/update-fda-encourages-public-follow-established-choking-rescue-protocols-fda-safety-communication#actions>

