LifeVac Testimony

Uploaded by: Heidi Felix

Position: FAV

Heidi Felix Testimony for Kentucky Bill

My name is Heidi Felix, and I am honored to represent LifeVac LLC as the Vice President of Sales. 5,000 choking deaths occur every year. One child dies every 5 days, and choking is the 4th leading cause of accidental death.

LifeVac is a simple, non-invasive, portable airway clearance device intended to be used during a choking emergency when standard choking rescue protocols fail or are not feasible, such as pregnant women, frail, obese, disabled patients in a wheelchair, or young children. Backslaps and abdominal thrusts are 70% effective when performed by a trained professional. LifeVac is another option that can be used to dislodge airway obstructions and help save more lives.

LifeVac has been proven to be safe and effective. 9 peer-reviewed medical studies show the efficacy of our device. LifeVac has received **5,453** clinical reports of lives saved worldwide, and **3,304** were children.

LifeVac has been implemented in **10,519** schools in the USA. We have received **105** clinical reports of lives saved in US-based schools. LifeVac has partnered with **Cardio Partners, School Nurse Supply, AED Professionals, Unifirst, and CoroMedical,** who have implemented LifeVac in schools across the country.

LifeVac is working with the FDA to ensure full compliance with its regulations and guidelines. Exponent is the company that conducted independent testing on the efficacy of LifeVac, and the results were recently submitted with the DeNovo application to receive FDA approval.

“The public health implications of these findings are significant. Given the prevalence of choking incidents in pediatric and elderly populations, increasing awareness and accessibility of the LifeVac airway clearance device could enhance emergency response efforts. Additionally, integrating the LifeVac device into first aid training programs may further improve preparedness for choking emergencies.”

LifeVac should be implemented in memory of Landon in all Kentucky Public Schools to prevent future choking tragedies. Everyone deserves another option in a choking emergency. Thank you for your time and consideration.

SB0219-FAV
Uploaded by: Kimya Davani
Position: FAV

2/18/2026

Good Afternoon/Good Evening,
My name is Kimya Davani. Thank you for taking the time to read my letter in support of SB219.

My son choked on a soft shelled bean taco while we were eating at the dinner table. He went silent while eating and had a facial expression of horror. We started the rotation of the heimlich maneuver and back slaps right away. I'll never forget the feeling of being helpless that I could not dislodge the food with my heimlich technique but also thinking, my mom is putting together the airway clearance device now and there is hope before he dies. Fortunately, after about the 6th heimlich the food was dislodged.

My friend's daughter also choked the year before this. She turned blue and when the heimlich continued to fail, she used the airway clearance device and she was finally able to breathe.

Permanent brain damage starts after 4 minutes without oxygen. This is often not enough time to receive help from emergency services. Typically, all hope lies with the people witnessing the choking.

The heimlich maneuver fails 14% of the time and this rate is higher if the person performing the action is not trained.

When the heimlich fails, the airway clearance device is the next tool, and only tool, that we have to rescue a person before they die.

For people who have disabilities, if they're in a wheel chair, pregnant, elderly in retirement and hospice homes, and people recovering from injuries like back surgery, the heimlich maneuver is not possible to perform.

The airway clearance device with three masks costs around $70. The device lasts a lifetime. The replacement masks cost around $6 and it is recommended to be replaced every 3 years. This is an inexpensive intervention that can save a life.

I support SB219 so that every child in school has a chance to survive if the heimlich maneuver fails or is not able to be performed. I support this Bill so that no one is left with the life long guilt that they could not save a choking child.

Thank you for your time,
Kimya Davani, VMD

Airway Clarence device Senate bill 219.pdf
Uploaded by: Miranda Hart
Position: FAV

SB 0219 – Public Schools – Airway Clearing Device Availability and Use Policy

Position: SUPPORT

Committee: Senate Education, Energy, and the Environment Committee

Name: Miranda Renee Hart

Address: 6300 West Hemlock Drive, Sykesville, MD 21784

Phone: 443-766-2947

Email: mirandarhart@gmail.com

Organization: Self

Chair and Members of the Committee,

My name is Miranda Hart, and I am a 17-year-old high school student and Maryland resident living in Carroll County. I am writing in strong support of Senate Bill 219, the Bowen Levy Airway Clearing Device Act.

As a student who has been trained in CPR and basic first aid, I understand both the importance of the Heimlich maneuver and its real-world limitations. The Heimlich maneuver is often the fastest response to a choking emergency and remains a critical first-line intervention. However, it is not effective in every situation and cannot always be performed safely or successfully.

According to the Cleveland Clinic, the Heimlich maneuver—also known as abdominal thrusts—is intended for use only on conscious individuals who are choking and unable to breathe (“Heimlich Maneuver,” last updated February 13, 2024). Medical guidance published by the National Center for Biotechnology Information (NCBI) further explains that unconscious individuals require a different emergency response, such as chest compressions, rather than abdominal thrusts (NCBI, StatPearls: Abdominal Thrust Maneuver). When abdominal thrusts do not work or a victim loses consciousness, options for immediately clearing the airway become extremely limited.

Senate Bill 219 does not seek to replace or eliminate the Heimlich maneuver. Instead, it acknowledges its limitations and provides an additional life-saving option when traditional methods are unsuccessful or no longer appropriate. Airway clearing devices can be used on both conscious and unconscious individuals, giving school staff another chance to restore airflow when time is critical.

This bill is needed because choking emergencies can happen to anyone in a school setting, and current response options do not adequately cover all situations or all students. Senate Bill 219 directly affects public school students across Maryland, including those with physical disabilities, medical conditions, or swallowing difficulties that place them at higher risk of choking. It also

impacts the educators, aides, and school staff responsible for student safety by expanding the tools available to them during emergencies.

Importantly, airway clearing devices are simpler to use and do not require the same level of physical strength, body positioning, or force needed to perform abdominal thrusts correctly. This allows a wider range of faculty and staff—regardless of size or physical ability—to respond effectively. In a real emergency, this increased accessibility can mean faster intervention and better outcomes for students in distress.

Senate Bill 219 responsibly includes training requirements, appropriate storage in eating areas, incident reporting, and good-faith liability protections. Together, these provisions ensure that airway clearing devices are used safely, appropriately, and only as a supplement to existing emergency protocols.

This legislation gives Maryland schools one more way to protect students and one more chance to save a life when current methods fall short. For these reasons, I respectfully urge the committee to issue a favorable report on Senate Bill 219.

Thank you for your time, consideration, and commitment to student safety.

Respectfully submitted,

Miranda Hart

HB0117 (SB0219)_ Public Schools - Airway Clearing

Uploaded by: Trudy Tibbals

Position: FAV

HB0117 (SB0219): Public Schools - Airway Clearing Device Availability and Use - Policy **(Bowen Levy Airway Clearing Device Act)**: Please **VOTE IN SUPPORT** of this bill.

Dear Chair and Members of the Committee,

I write today in **strong and heartfelt support of HB 0117 / SB 0219 — the Bowen Levy Airway Clearing Device Act**.

Every parent, grandparent, and caregiver sends a child to school each day trusting that they will be safe. We assume that if something goes wrong — if a child suddenly can't breathe — the adults around them will have the tools they need to help. Tragically, that is not always the case.

Choking emergencies are silent, fast, and terrifying. In those moments, seconds matter. A teacher or staff member may know something is wrong, may be desperate to help, but may lack the proper equipment to save a life before emergency responders arrive. No family should ever have to live with the question, *"What if the right tool had been there?"*

The **Bowen Levy Airway Clearing Device Act** is about giving schools **one simple, lifesaving option** — and giving staff the training and confidence to use it. This bill does not replace existing emergency procedures; it strengthens them. It acknowledges a painful reality while offering a practical, compassionate solution.

This legislation honors the memory of a child by working to ensure that fewer families experience unimaginable loss. It is thoughtful, preventative, and rooted in care for our students and the people entrusted with their safety.

For these reasons, I respectfully urge all of you on both committees to **ISSUE A FAVORABLE VOTE on HB 0117 /SB 0219**. Lives truly may depend on it.

Thank you for your time, your attention, and your commitment to protecting Maryland's children.

Sincerely,
Trudy Tibbals

WRITTEN TESTIMONY.pdf
Uploaded by: johnny salling
Position: FWA

JOHNNY RAY SALLING
Legislative District 6
Baltimore County

Budget and Taxation Committee

Public Safety, Transportation,
and Environment Subcommittee

James Senate Office Building
11 Bladen Street, Room 321
Annapolis, Maryland 21401
410-841-3587 · 301-858-3587
800-492-7122 *Ext.* 3587
JohnnyRay.Salling@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 18, 2026

Education, Energy and the Environment Committee
Senator Brian J. Feldman
Senator Cheryl C. Kagan
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

To the Chair, Vice Chair and Members of the Education, Energy, and Environment Committee:

Thank you for allowing me to testify in favor of Senate Bill 219. For the record, my name is Senator Johnny Ray Salling.

In 2019, we lost Bowen Levy, a special needs student who tragically choked while in the care of the Anne Arundel County Public School System. His death was a reminder of how quickly choking can turn deadly and that every second counts.

This bill will require every public school in Maryland to have an airway clearing device - a small, efficient tool that quickly removes a blockage from a child's throat during a choking emergency.

It will also require each County Board of Education—and Baltimore City—to establish a policy ensuring these devices are readily available in schools. Staff will be properly trained and protected if they respond in good faith during an emergency. Our state currently lacks consistent data on choking incidents in schools; this bill includes a reporting requirement to track those emergencies and improve response times in the future.

I would like to note that I have added amendments to this bill that will require the following:

- The Department of Education shall consult with the Department of Health shall adopt regulations that establish guidelines to ensure public schools have in attendance at all times employees, basic first aid training, including abdominal thrusts or heimlich maneuver, CPR, and stop the bleed training
- A ratio of one school employee on each floor of a school and
- one additional employee in attendance on each floor of a school building who is certified for every additional 20 students on the floor

Let’s empower our teachers, nurses, and staff with the tools and confidence to act quickly when a child’s life is on the line. Let’s make Maryland a leader in student safety—not waiting for another tragedy but working to prevent one.

I respectfully ask for your favorable report of this bill.

Sincerely,

Senator Johnny Ray Salling

Testimony in support FWA of SB0219 - Public School

Uploaded by: Richard KAP Kaplowitz

Position: FWA

SB0219_RichardKaplowitz_FWA
02/18/2026
Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0219- POSITION: FAVORABLE WITH AMENDMENTS

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

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy and the Environment Committee
FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support with amendments of SB#/0219, **Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act)**

On May 22, 2022, WJZ TV reported on a settlement of a lawsuit over a special needs student, Bowen Levy. [1]

> **BALTIMORE (WJZ)** -- Anne Arundel County Public Schools has agreed to a $2.5 million settlement with the family of Bowen Levy, a 17-year-old student at Central Special School who died in 2019 after choking on a rubber glove, the school system said Thursday.

This bill attempts to make changes in school systems protocols in choking situations. It will require 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 certain emergency situations; and requiring the State Department of Education to develop and disseminate a form for public schools to report each incident requiring the use of an airway clearing device.

However, The U.S. Food and Drug Administration does not recommend these devices. [2]

> These rescue protocols include a combination of back blows and/or abdominal thrusts (also called the "Heimlich" maneuver) for adults and children. The protocols do not include using anti-choking devices. **Anti-choking devices currently sold over-the-counter (OTC) do not have FDA marketing authorization, meaning the FDA has not evaluated the safety and effectiveness of those devices.**

I therefore suggest an amendment that requires school nurses and other school personnel be trained in use of the recommended methods and only use an airway clearing device if those methods are ineffective or not appropriate to a specific choking situation. I further recommend that any airway device obtained be replaced if and when the FDA has recommended a specific device for the purpose.

I respectfully urge this committee to return a Favorable With Amendments report on SB#/0219.

[1] https://www.cbsnews.com/baltimore/news/anne-arundel-county-public-schools-settlement-bowen-levy/
[2] https://www.fda.gov/medical-devices/safety-communications/update-fda-encourages-public-follow-established-choking-rescue-protocols-fda-safety-communication#:~:text=Choking%20rescue%20protocols%20should%20only,to%20cough%2C%20because%20interventions%20such

SB219_MSEA_Lamb_UNF.pdf
Uploaded by: Lauren Lamb
Position: UNF

MARYLAND STATE EDUCATION ASSOCIATION

140 Main Street
Annapolis, MD 21401
800 448 6782
410 263 6600

marylandeducators.org

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

Senate Committee on Education, Energy, and the Environment
February 18, 2026

Lauren Lamb
Government Relations

The Maryland State Education Association opposes Senate Bill 219, which would require 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 certain emergency situations. It would also require the State Department of Education to develop and disseminate a form for public schools to report each incident requiring the use of an airway clearing device.

MSEA represents 76,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 44 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

We truly appreciate the sponsor's aim of protecting students during choking incidents at school. Our members, including school nurses across 13 counties, share a steadfast commitment to swiftly addressing health emergencies in school settings. In this case, the requirements of this bill do not align with widely accepted emergency protocol and may place choking victims at increased risk by delaying proper care.

The American Red Cross advises that the emergency protocol for choking adults or children is to administer back blows and/or abdominal thrusts (the Heimlich maneuver).[1] 2024 guidance from the U.S. Food and Drug Administration (FDA) explicitly states that choking rescue protocols "**do not include using anti-choking devices.**"[2] The FDA further

[1] American Red Cross. Adult/Child Choking. https://www.redcross.org/take-a-class/resources/learn-first-aid/adult-child-choking
[2] U.S. Food and Drug Administration. Update: FDA Encourages the Public to Follow Established Choking Rescue Protocols - FDA Safety Communication (April 2024).

warns that the agency has not authorized any anti-choking devices for marketing in the U.S., and that over-the-counter anti-choking devices have not been evaluated for safety or effectiveness.[3]

Timely, evidence-based intervention is essential in choking cases. We are concerned that the provisions of this bill – which requires school systems to acquire unapproved medical devices and authorizes the use of such devices despite conflicting protocol – could worsen outcomes for choking victims.

We urge the committee to issue an unfavorable report on Senate Bill 219.

https://www.fda.gov/medical-devices/safety-communications/update-fda-encourages-public-follow-established-choking-rescue-protocols-fda-safety-communication#:~:text=These%20rescue%20protocols%20include%20a,to%20a%20complete%20airway%20block.

[3] Ibid.

SB0219 - EEE - PHPA - LOO.docx (1).pdf
Uploaded by: Meghan Lynch
Position: UNF

Maryland
DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

February 18, 2026

The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 219 – Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act) – Letter of Opposition

Dear Chair Feldman and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition to Senate Bill (SB) 219 – Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act).

SB 219 would require each county board of education to establish a policy to obtain at least one airway clearing device per school, authorize school nurses and other school personnel to use an airway clearing device in certain emergency situations, and require the Maryland State Department of Education to develop and disseminate a form for public schools to report each incident requiring the use of an airway clearing device.

While the Department recognizes the importance of evaluating ways to strengthen emergency preparedness and safety training in schools particularly in circumstances that may result in serious injury or death – the American Red Cross and the American Heart Association continue to recommend established, evidence-based protocols for relieving airway obstruction in choking victims. These step-by-step protocols remain the most reliable and effective methods and typically involve a combination of back blows and/or abdominal thrusts (the "Heimlich" maneuver) or chest compressions if the victim is unresponsive.[1, 2] School nurses and other school personnel currently follow these established standard protocols for managing choking

[1] American Red Cross, Adult/Child Choking Emergency Steps, https://www.redcross.org/take-a-class/resources/learn-first-aid/adult-child-choking
[2] American Heart Association, Foreign Body Obstruction, October 2025. https://www.ahajournals.org/doi/full/10.1161/CIR.0000000000001370#sec-4

emergencies.[3] These protocols are highly successful and can be executed immediately without a device, thereby saving valuable time in an emergency. They can be performed safely and effectively on a wide range of people, including those with disabilities.

The evidence supporting airway clearing devices (also known as anti-choking devices) is currently limited, susceptible to bias, and insufficient to justify their use over established methods.[4] Additionally, anti-choking devices currently available over-the-counter lack marketing authorization by the U.S. Food and Drug Administration (FDA) and have not been assessed by the FDA for safety and effectiveness.[5] The FDA has received reports detailing potential complications associated with these devices, including failure to clear an obstruction due to inadequate suction, as well as injuries such as bruising and abrasions to the face, lips, mouth, and throat.

Further, use of an airway clearing device may require removal from packaging and assembling prior to use. The time required to complete these steps, create a seal around the mouth, and generate suction could delay the use of established rescue protocols, which are designed to be performed quickly and effectively by school nurses and other school personnel. The FDA continues to advise the public to adhere to established choking rescue protocols.[4]

While acknowledging that SB 219 aims to improve the management of choking emergencies, the Department is extremely concerned about introducing devices into a school setting that lack evaluation of safety, are not supported by rigorous evidence, and could delay critical, life-saving intervention. The Department remains committed to supporting school nurses and other school personnel in continuing to use proven rescue protocols for managing choking emergencies. For these reasons, the Department respectfully opposes SB 219.

If you would like to discuss this further, please do not hesitate to contact Meghan Lynch, Director of Governmental Affairs at meghan.lynch@maryland.gov.

Sincerely,

Meena Seshamani, M.D., Ph.D.
Secretary

[3] Maryland Department of Health and Maryland State Department of Education, Guidelines for Emergency Care in Maryland Schools (2015), https://marylandpublicschools.org/about/documents/dsfss/sssp/shs/shsguidelines/emergencycareguidelines2015.pdf

[4] Galarreta-Aperte, S., Domínguez-Vías, G., González-Díaz,A., Dolores Lazo-Caparrós, M., Ramón-Arbués, E., Gómez-Torres, P. (2025). Efficacy of Antichoking Suction Devices Versus Traditional Techniques: A Systematic Review and Meta-Analysis, Journal of Emergency Nursing.

[5] U.S. Food and Drug Administration, Update: FDA Encourages the Public to Follow Established Choking Rescue Protocols - FDA Safety Communication. November 2025.

Letter of Opposition for SB0219.pdf
Uploaded by: Mike McKay
Position: UNF

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties

Judicial Proceedings Committee
Executive Nominations Committee

Joint Committees
Administrative, Executive, and Legislative Review
Children, Youth, and Families
Program Open Space and Agricultural Land Preservation

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 416
Annapolis, Maryland 21401
410-841-3565
800-492-7122 *Ext.* 3565
Mike.McKay@senate.maryland.gov

Cumberland Office
100N Mechanic Street
Cumberland, Maryland 21502
240-362-7040

Williamsport Office
2N Conococheque Street
Williamsport Town Hall
Williamsport, Maryland

January 28, 2026

RE: Fire/EMS Coalition Opposition to SB0219

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee,

The Fire/EMS Coalition would like to express their opposition to Senate Bill 0219: **Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act).** This bill will require 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 certain emergency situations; and requiring the State Department of Education to develop and disseminate a form for public schools to report each incident requiring the use of an airway clearing device.

The Fire/EMS Coalition opposes Senate Bill 0219.

Sincerely,

Senator Mike McKay
Representing the Appalachia Region of Maryland
Serving Garrett, Allegany, and Washington Counties

<u>Voting Organizations:</u>
Maryland Fire Chief's Association (MFCA)
Maryland State Firefighter's Association (MSFA)
State Fire Marshal (OSFM)
Maryland Fire Rescue Institute (MFRI)
Maryland Institute for Emergency Medical Services System (MIEMMS)
Metro Fire Chief's Association
Professional Firefighters of Maryland

Our Mission Statement

The Maryland Fire/EMS Coalition unites Republicans and Democrats in support of fire/emergency services legislation that benefit all first responders. Becoming a member does not require taking positions on legislation; rather Coalition members are asked to offer support in a way that best benefits fire/emergency services in their respective Legislative Districts.

Montgomery County Board of Education_SB 219_Oppose
Uploaded by: Patricia Ursprung
Position: UNF

MONTGOMERY COUNTY BOARD OF EDUCATION
Expanding Opportunity and Unleashing Potential
15 West Gude Drive ◆ Suite 100 ◆ Rockville, Maryland 20850

BILL: SB 219

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

DATE: February 18, 2026

POSITION: Oppose

COMMITTEE: Education, Energy, and the Environment

CONTACT: Patricia Ursprung, Coordinator, Legislative Affairs

The Montgomery County Board of Education opposes Senate Bill 219.

This bill requires local education agencies (LEAs) to establish a policy that would require the LEA to maintain at least one airway clearing device at each school and train school nurses and other school personnel to properly use the device in the case of a choking emergency.

On August 21, 2025, the Montgomery County Board of Education adopted a legislative platform that contains priority issues and ongoing concerns. One of the ongoing concerns is preserving local autonomy. Based on this platform position, the Montgomery County Board of Education opposes legislation that would infringe on local control. Bills that fall into this category require specific school system action and may impact areas such as school calendars, school start times, curriculum, testing, procurement, and other operational decision-making. The platform also permits that Board to oppose bills that contain unfunded mandates, i.e. bills that would result in a fiscal impact on the school system with no identified funding source.

Senate Bill 219 contains an unfunded operational mandate. Purchasing airway clearing devices for each of the 215 schools operated by Montgomery County Public Schools could cost an estimated $50,000 over the next five fiscal years, which represents the initial purchase of the devices and replacements at a rate of 10% per year. Further, the directive that each school have a device removes local autonomy and the Board or administration's ability to determine what is best for Montgomery County Public Schools as a whole, and individual schools therein.

Because Senate Bill 219 is an unfunded mandate that infringes on local control, the Board opposes this bill pursuant to its adopted platform.

2026 MASHN SB 219 Senate Side.pdf
Uploaded by: Robyn Elliott
Position: UNF

Maryland Association of School Health Nurses

MASHN

Committee:	**Education, Energy, and Environment Committee**
Bill Number:	**Senate Bill 219 - Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act)**
Hearing Date:	**February 18, 2026**
Position:	**Oppose**

The Maryland Association of School Health Nurses (MASHN) opposes *Senate Bill 219 - Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act).* We appreciate that the bill's intent is to address choking incidents in Maryland schools; however, we have serious concerns about the unintended impact on the safety of students for the following reasons:

- **Against FDA Advice and National Standards:** In April 2024, the Food and Drug Administration (FDA) issued an advisory notice to encourage the public to follow established choking protocols of the American Red Cross and the American Heart Association. The advisory notice states that "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."[i]

  The American Red Cross and American Heart Association do not include airway clearing devices in protocols on choking emergencies. We are aware of only one state, Texas, which recently adopted legislation mandating schools have airway clearing devices over the objection of the Texas Pediatric Society and the Texas School Nurses Association.[ii]

- **Creates Legal Jeopardy for Nurses, School Personnel, and School Systems as a Result of FDA Warnings to Manufacturers:** Under the bill, school systems would be required to ensure there was an airway clearing device in every school. The legislation also provides for immunity except in cases of willful or gross negligent acts.

However, there is no viable avenue for school systems to select devices that are high-quality, efficacious and safe. Unlike devices such as automated external defibrillators, airway clearing devices only require registration with the FDA, rather than review and approval. Furthermore, the FDA has issued warnings on two of the most common airway clearing devices.[iii] Thus, school systems and anyone administering airway clearing devices, including school nurses, could face legal jeopardy despite the bill's provisions.

- **Research is Insufficient and Contradictory:** The research on the efficacy of airway clearing devices is insufficient and contradictory. While airway clearing devices show some potential, a recent analysis of the research advises that "ACDs show promise, but further research is needed to determine their role alongside established methods."[iv]. The need for more research is underscored by a study published in 2023 in *Laryngoscope Investigative Otolaryngology.* This study found that with the exception of choking on one type of food (saltines), the tested devices "were entirely unsuccessful in relieving foreign body aspiration. Additionally, both devices may cause significant pressure and injury to the oral cavity in a clinical setting."[v]

We appreciate the bill's intent to protect students during choking incidents. However, we have serious reservations about incorporating airway clearing devices into school health protocols. Therefore, we ask for an unfavorable vote. If we can provide any information, please contact Robyn Elliott at relliott@policypartners.net.

---

[i] https://www.fda.gov/medical-devices/safety-communications/update-fda-encourages-public-follow-established-choking-rescue-protocols-fda-safety-communication#actions

[ii] https://capitol.texas.gov/tlodocs/89R/witlistbill/pdf/HB00549H.pdf#navpanes=0
https://capitol.texas.gov/tlodocs/89R/publiccomments/billhistory/HB00549H.pdf#navpanes=0

[iii] https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/lifevac-llc-713455-09182025

https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/dechoker-llc-614629-05102021

[iv] https://www.sciencedirect.com/science/article/pii/S1755599X25000059

[v] https://pmc.ncbi.nlm.nih.gov/articles/PMC10278115/pdf/LIO2-8-708.pdf

SB 219 - Oppose - Airway Clearing Devices.pdf
Uploaded by: Sam Mathias
Position: UNF

MABE
MARYLAND ASSOCIATION OF BOARDS OF EDUCATION
621 Ridgely Avenue, Suite 300, Annapolis, Maryland 21401
410-841-5414 · 800-841-8197 · Fax: 410-841-6580 · MABE.org

BILL:	**Senate Bill 219**
TITLE:	**Public Schools – Airway Clearing Device Availability and Use – Policy (Bowen Levy Airway Clearing Device Act)**
HEARING DATE:	**February 18, 2026**
POSITION:	**OPPOSE**
COMMITTEE:	**Education, Energy, and the Environment**
CONTACT:	**Sam Mathias, Legal & Policy Director (smathias@mabe.org)**

The Maryland Association of Boards of Education (MABE), representing all the state's local boards of education, respectfully submits this testimony opposing Senate Bill 219, Public Schools – Airway Clearing Device Availability and Use – Policy (Bowen Levy Airway Clearing Device Act).

MABE shares the General Assembly's unwavering commitment to student safety and recognizes the tragic circumstances that gave rise to this legislation. We appreciate the intent of Senate Bill 219 to ensure that school staff are equipped to respond effectively during choking emergencies. Protecting students always is paramount, and local boards of education take that responsibility seriously.

However, while well-intentioned, SB 219 raises significant safety, operational, and fiscal concerns that warrant careful consideration before establishing a statewide mandate requiring the purchase and authorizing use of airway clearing devices in every public school. Federal regulators have cautioned against reliance on these devices, noting that no over-the-counter airway clearing devices are currently authorized for marketing by the U.S. Food and Drug Administration, and warning letters have been issued to major manufacturers for failure to comply with authorization requirements. The FDA has further warned that use of such devices may delay proven first-line choking interventions, create confusion in emergency response situations, and present unknown risks. In addition, a 2023 University of California–Davis medical study found that commonly marketed devices were largely unsuccessful in relieving airway obstruction and may cause injury. In high-stress, time-sensitive school settings, mandating the introduction devices that lack federal authorization and clear evidence of effectiveness raises serious student safety concerns.

Bill Overview

Senate Bill 219 would require local boards of education to obtain at least one airway clearing device per school, authorizing school nurses and other trained personnel to use the devices in emergency situations, and require the Maryland State Department of Education to create and distribute a form for reporting each incident that involving the use of such a device.

Student Safety & FDA Guidance on Airway Clearing Devices

When medical emergencies arise, school personnel should be trained and prepared to follow established, evidence-based emergency response protocols. Airway clearing devices are designed to remove choking obstructions through a suction mechanism and are intended to be used only as a secondary intervention, after first-line interventions (the Heimlich maneuver) have failed.

The U.S. Food and Drug Administration (FDA) has issued a safety communication encouraging the public to follow established choking rescue protocols and raising concerns about airway clearing devices. Most notably:

- **No over-the-counter airway clearing devices are authorized for marketing by the FDA.**[1]
- The FDA has issued Warning Letters to two of the largest manufacturers in this market for failure to comply with FDA authorization requirements: Dechoker, LLC (May 2021)[2] and LifeVac, LLC (September 2025).[3]
- The FDA has issued Import Alerts[4] identifying multiple anti-choking devices manufactured in China and Israel that are not authorized for distribution in the United States.
- According to Forbes,[5] Amazon removed the Dechoker device from its platform after growing pressure and scrutiny over the safety of the product and its lack of FDA authorization; and federal regulators also moved to seize millions of dollars in revenue generated from the sale of the device, citing violations of federal medical device laws.

The FDA cautions that reliance on these devices may delay proven first-line interventions, create confusion for responders in emergency situations, and present unknown risks due to the absence of FDA authorization or clearance.[1]

Lastly, a University of California – Davis medical study from 2023, testing LifeVac and DeChoker, concluded that, except for a single success in removing saltine crackers, "all

---

[1] See.U¡S¡.Food.and.Drug.Admin¡?Update¿FDA.Encourages.the.Public.to.Follow.Established.Choking.Rescue.Protocols.(FDA.Safety.Communication)?https¿-www¡fda¡gov-medical_devices-safety_communications-update_fda_encourages_public_follow_established_choking_rescue_protocols_fda_safety_communication.(last.visited.Jan¡.8❶?868❷)

[2] https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/dechoker-llc-614629-05102021

[3] https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/lifevac-llc-713455-09182025

[4] https://www.accessdata.fda.gov/cms_ia/importalert_244.html

[5] https://www.forbes.com/sites/thomasbrewster/2025/10/15/couple-made-millions-on-amazon-selling-banned-dechoker-medical-device-fda-says/

trials were entirely unsuccessful in relieving foreign body aspiration. Additionally, both devices may cause significant pressure and injury to the oral cavity in a clinical setting."[6] Mandating the purchase and use of such devices in schools therefore raises serious concerns about student safety, particularly in high-stress, time-sensitive emergency situations.

Administrative and Fiscal Concerns

Beyond safety considerations, a statewide mandate to purchase and deploy airway clearing devices presents substantial practical and fiscal challenges for local school systems, including:

- Ongoing costs to purchase, replace, and maintain devices with ideally infrequent use;
- Training costs for school nurses and other designated personnel;
- Risks of improper or delayed use during emergencies; and
- Logistical challenges ensuring device access during meal times (particularly as students may eat in different spaces throughout a school) and extra-curricular activities.

Conclusion

Local boards of education remain deeply committed to student health and safety and continue to prioritize training staff in established emergency response protocols. While MABE appreciates the intent behind Senate Bill 219 and the desire to prevent future tragedies, we believe the bill creates unresolved safety, implementation, and fiscal concerns.

For these reasons, MABE respectfully opposes Senate Bill 219.

[6] See.Apoorva Ramaswamy et al., The Efficacy of Two Commercially Available Devices for Airway Foreign Body Relief: A Cadaver Study, 8 Laryngoscope.Investigative.Otolaryngology 708 (2023), https://pmc.ncbi.nlm.nih.gov/articles/PMC10278115/pdf/LIO2-8-708.pdf

SB 219 EEE - MACHO - LOO (1).pdf
Uploaded by: State of Maryland (MD)
Position: UNF

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 rmaiora1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

[1] U.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

SB 219 - MIEMSS Letter of Opposition.pdf
Uploaded by: Theodore Delbridge
Position: UNF

State of Maryland
Maryland Institute *for* Emergency Medical Services Systems

Wes W. Moore
Governor

Clay B. Stamp
Chairman EMS Board

Theodore R. Delbridge, MD, MPH
Executive Director

February 12, 2026

The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

Re: SB 219 – Public Schools – Airway Clearing Device Availability and Use – Policy (Bowen Levy Airway Clearing Device Act)

—LETTER OF OPPOSITION—

Dear Chair Feldman and Members of the Senate Education, Energy, and the Environment Committee:

The Maryland Institute for Emergency Medical Services Systems (MIEMSS) respectfully submits this letter in opposition to Senate Bill 219, which would, among other things, require 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 such a device on an individual experiencing a choking emergency.

MIEMSS is opposed to this legislation for the following reasons:

- According to the American Red Cross and American Heart Association, the most reliable, evidence-based methods for clearing an airway obstruction in a choking victim remain a combination of back blows and/or abdominal thrusts (the "Heimlich" maneuver).[1]

- In a November 13, 2025, Safety Communication, the U.S. Food and Drug Administration (FDA) noted that "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," adding that "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."[2]

MIEMSS, therefore, urges an unfavorable report on SB 219. Please let me know if you have any questions or would like any additional information.

Sincerely,

Theodore R. Delbridge, MD, MPH
Executive Director

[1] American Red Cross, Adult/Child Choking Emergency Steps, https://www.redcross.org/take-a-class/resources/learn-first-aid/adult-child-choking;
[2] https://www.fda.gov/medical-devices/safety-communications/update-fda-encourages-public-follow-established-choking-rescue-protocols-fda-safety-communication#actions.

SB0219 - State Board_ MSDE - LOI.docx.pdf
Uploaded by: Alex Reese
Position: INFO

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.