



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

January 29, 2026

The Honorable Jheanelle K. Wilkins  
Chair, Ways and Means Committee  
Room 131, House Office Building  
Annapolis, MD 21401-1991

**RE: House Bill 117 – Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act) – Letter of Opposition**

Dear Chair Wilkins and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition to House Bill (HB) 117 – Public Schools - Airway Clearing Device Availability and Use - Policy (Bowen Levy Airway Clearing Device Act).

HB 117 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).<sup>1,2</sup> School nurses and other school personnel currently follow these established

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<sup>1</sup> American Red Cross, Adult/Child Choking Emergency Steps, <https://www.redcross.org/take-a-class/resources/learn-first-aid/adult-child-choking>

<sup>2</sup> American Heart Association, Foreign Body Obstruction, October 2025. <https://www.ahajournals.org/doi/full/10.1161/CIR.0000000000001370#sec-4>

standard protocols for managing choking emergencies.<sup>3</sup> These protocols are highly successful and can be executed immediately without a device, thereby saving valuable time in an emergency.

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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>4</sup>

While acknowledging that HB 117 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 HB 117.

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](mailto:meghan.lynch@maryland.gov).

Sincerely,



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

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<sup>3</sup> 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>

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

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