

UNFAVORABLE
House Bill 117
Public Schools - Airway Clearing Device Availability and Use - Policy
(Bowen Levy Airway Clearing Device Act)

House Ways & Means Committee
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The Maryland State Education Association opposes HB 117, 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 House Bill 117.

<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.