

# HOUSE BILL 117

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(PRE-FILED)

6lr0837  
CF SB 219

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By: **Delegate Metzgar**

Requested: September 12, 2025

Introduced and read first time: January 14, 2026

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Airway Clearing Device Availability and Use – Policy**  
3 **(Bowen Levy Airway Clearing Device Act)**

4 FOR the purpose of requiring each county board of education to establish a policy to obtain  
5 at least one airway clearing device per school and to authorize school nurses and  
6 other school personnel to use an airway clearing device in certain emergency  
7 situations; requiring the State Department of Education to develop and disseminate  
8 a form for public schools to report each incident requiring the use of an airway  
9 clearing device; and generally relating to the availability and use of airway clearing  
10 devices in public schools.

11 BY adding to  
12 Article – Education  
13 Section 7–426.8  
14 Annotated Code of Maryland  
15 (2025 Replacement Volume and 2025 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Education**

19 **7–426.8.**

20 **(A) IN THIS SECTION, “AIRWAY CLEARING DEVICE” MEANS A PORTABLE**  
21 **MEDICAL DEVICE THAT USES MANUALLY CREATED SUCTION TO REMOVE A**  
22 **BLOCKAGE FROM THE AIRWAY DURING A CHOKING EMERGENCY.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) EACH COUNTY BOARD SHALL ESTABLISH A POLICY FOR PUBLIC SCHOOLS WITHIN ITS JURISDICTION TO:

(1) OBTAIN AT LEAST ONE AIRWAY CLEARING DEVICE PER SCHOOL;  
AND

(2) AUTHORIZE THE SCHOOL NURSE OR OTHER SCHOOL PERSONNEL TO USE AN AIRWAY CLEARING DEVICE ON AN INDIVIDUAL EXPERIENCING A CHOKING EMERGENCY.

(C) THE POLICY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE REQUIREMENTS FOR:

(1) STORAGE OF AN AIRWAY CLEARING DEVICE IN THE AREAS WHERE STUDENTS OR SCHOOL PERSONNEL PRIMARILY EAT; AND

(2) TRAINING FOR THE SCHOOL NURSE AND OTHER SCHOOL PERSONNEL ON:

(I) HOW TO RECOGNIZE THE SYMPTOMS OF AN INDIVIDUAL EXPERIENCING A CHOKING EMERGENCY; AND

(II) PROCEDURES FOR THE USE OF AN AIRWAY CLEARING DEVICE ON AN INDIVIDUAL EXPERIENCING A CHOKING EMERGENCY.

(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A SCHOOL NURSE OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN GOOD FAITH TO AN INDIVIDUAL EXPERIENCING A CHOKING EMERGENCY IN ACCORDANCE WITH THIS SECTION MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE EMERGENCY.

(E) (1) THE DEPARTMENT SHALL DEVELOP AND DISSEMINATE A STANDARD FORM FOR PUBLIC SCHOOLS TO REPORT EACH INCIDENT REQUIRING THE USE OF AN AIRWAY CLEARING DEVICE AT THE SCHOOL.

(2) EACH PUBLIC SCHOOL SHALL REPORT TO THE DEPARTMENT, ON THE FORM THAT THE DEPARTMENT DEVELOPS, EACH INCIDENT AT THE SCHOOL OR AT A RELATED SCHOOL EVENT THAT REQUIRED THE USE OF AN AIRWAY CLEARING DEVICE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.