



## SENATE BILL 537

### **Business Regulation - Restaurants - Personnel Trained in First Aid and CPR Procedures**

**March 5, 2009**

**POSITION: Oppose**

Mr. Chairman and Members of the Senate Finance Committee:

On behalf of the members of the *Restaurant Association of Maryland*, we strongly oppose Senate Bill 537, which would require restaurants to have at least one person trained in first aid, cardiopulmonary resuscitation (CPR) and Heimlich maneuver to be on the premises during business hours.

While we certainly empathize with the family and loved ones who suffered a loss in the situation that served as the impetus for this legislation, we have serious concerns about the burden this bill would place on our businesses.

It seems unfair that restaurants are solely targeted by this legislation when people can choke anywhere food is consumed, including college/school cafeterias, sports arenas and stadiums, movie theaters, bowling alleys, community festivals, farmers markets and other such venues. We have seen no data to suggest that people are more likely to choke in a restaurant than at other venues that serve food.

With the high rate of turnover in the restaurant business, this legislation would add significantly to the cost of doing business by forcing restaurants to continually pay to train new staff. Many of our members already face challenges with ensuring that staff trained in food sanitation and responsible alcohol service are on the premises during business hours.

Even if this legislation became law, most restaurants would be hesitant to allow staff to perform such assistance for fear of liability. We live in a very litigious society. Despite the implied protection in current Maryland law (Health General - §21-326) that would hold a person or business liable only in cases of gross negligence, we worry about liability for fractured ribs and other medical problems that could be blamed on incorrect Heimlich or CPR technique.

For these reasons, we strongly oppose this legislation and request an unfavorable report.

Respectfully submitted,

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