

26:3E-1 to 26:3E-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:3E-1 to 26:3E-6 (Choke prevention techniques - posters require display in restaurants)

LAWS OF: 1983

CHAPTER: 488

Bill No: S1454

Sponsor(s): Hagedorn and others

Date Introduced: June 3, 1982

Committee: **Assembly:** Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: Yes A amendments denoted by asterisks according to Governor's recommendations

Date of Passage: **Assembly:** June 16, 1983 Re-enacted 1-5-84

Senate: October 18, 1982 Re-enacted 12-8-83

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: Yes

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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CHAPTER 488 LAWS OF N. J. 1983
APPROVED 1/17/84

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SENATE, No. 1454

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1982

By Senators HAGEDORN, VREELAND, DORSEY, CONNORS
and SAXTON

Referred to Committee on Institutions, Health and Welfare

AN ACT requiring restaurants to display posters illustrating choke prevention techniques *and making an appropriation*.*.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey*:

1 1. As used in this act "restaurant" means any facility or part
2 thereof in which food is prepared and provided or served for con-
3 sumption on the premises but shall not include mobile food estab-
4 lishments or any temporary food establishment which operates at
5 a fixed location for a limited period of time in connection with a
6 fair, carnival, public exhibition or similar transitory gathering or
7 charitable fund raising event.

1 2. The proprietor, or in the case of a public or nonprofit restau-
2 rant, the manager or administrator of a restaurant shall:

3 a. Ensure that posters prepared by the State Department of
4 Health which illustrate choke prevention techniques are promi-
5 nently displayed in food preparation and service areas of the
6 restaurant; and

7 b. Have pamphlets illustrating choke prevention techniques
8 available for free distribution to customers or patrons of the
9 restaurant.

1 3. The Department of Health shall prepare instructional posters
2 and pamphlets which illustrate choke prevention techniques such
3 as the "Heimlich Maneuver" and distribute the posters and pam-
4 phlets to local boards of health for distribution to restaurants.

1 4. Except as otherwise provided by law, no person shall be obli-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate amendments adopted in accordance with Governor's recommenda-
tions November 28, 1983.

2 gated to remove or assist in removing or attempting to remove
3 food which may become lodged in a person's throat.

1 5. Any restaurant proprietor, or in the case of a public or non-
2 profit restaurant, manager or administrator who violates the pro-
3 visions of this act shall be subject to a penalty of not less than
4 \$50.00 or more than \$100.00 to be sued for and recovered in a civil
5 action commenced by the State in a summary proceeding in the
6 Superior Court pursuant to "the penalty enforcement law" (N. J.
7 S. 2A:58-1 et seq.)*.*

1 6. The Commissioner of Health shall promulgate all necessary
2 regulations to carry out this act.

1 *7. *There is appropriated to the Department of Health \$20,000.00*
2 *from the General Fund for the purposes of this act.**

1 ***[7.]*** *8.* This act shall take effect 120 days following enact-
2 ment.

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3 food which may become lodged in a person's throat.

1 5. Any restaurant proprietor, or in the case of a public or non-
2 profit restaurant, manager or administrator who violates the pro-
3 visions of this act shall be subject to a penalty of not less than
4 \$50.00 or more than \$100.00 to be sued for and recovered in a civil
5 action commenced by the State in a summary proceeding in the
6 Superior Court pursuant to "the penalty enforcement law" (N.J.
7 S. 2A:58-1 et seq.)

1 6. The Commissioner of Health shall promulgate all necessary
2 regulations to carry out this act.

1 7. This act shall take effect 120 days following enactment.

STATEMENT

This bill requires all restaurants to display in food preparation and service areas posters which illustrate choke prevention techniques such as the "Heimlich Maneuver". Restaurants also are required to make choke prevention pamphlets available to customers. The posters and pamphlets shall be prepared by the State Department of Health and given to local boards of health for distribution to restaurants.

The penalty for noncompliance with the act is a fine of between \$50.00 and \$100.00 to be sued for and recovered in a civil action by the State.

51454(1982)

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1454

STATE OF NEW JERSEY

DATED: APRIL 11, 1983

This bill would require all restaurants to display in food preparation and service areas posters which illustrate choke prevention techniques such as the "Heimlich Maneuver." It would also require restaurants to make choke prevention pamphlets available to customers.

The instructional posters and pamphlets would be prepared by the State Department of Health and be provided to local boards of health for distribution to restaurants.

A restaurant proprietor, manager or administrator who fails to comply with the provisions of the act would be subject to a fine of between \$50.00 and \$100.00 to be sued for and recovered in a civil action by the State.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 1454

STATE OF NEW JERSEY

DATED: SEPTEMBER 16, 1982

This bill requires all restaurants to display in food preparation and service areas posters which illustrate choke prevention techniques such as the "Heimlich Maneuver." Restaurants also are required to make choke prevention pamphlets available to customers. The posters and pamphlets shall be prepared by the State Department of Health and given to local boards of health for distribution to restaurants.

The penalty for noncompliance with the act is a fine of between \$50.00 and \$100.00 to be sued for and recovered in a civil action by the State.

FISCAL NOTE TO
SENATE, No. 1454

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1982

Senate Bill No. 1454, of 1982, would require all restaurants to display, in food preparation and service areas, posters which illustrate choke prevention techniques. Restaurants would also be required to make pamphlets of the technique available to customers. The posters and pamphlets would be prepared by the State Department of Health and given to local boards of health for distribution to restaurants.

The Department of Health estimates the following State costs for printing choke posters and pamphlets, distribution, storage, and costs of prosecuting violators:

1st year	\$70,000.00
2nd year	21,000.00
3rd year	21,000.00

No estimate can be made on the increase of staff which may be needed to educate restauranteurs or to check for compliance.

The cost to local government for final distribution of the choke posters and pamphlets to the approximately 50,000 restaurants is unknown.

The Office of Legislative Services concurs.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above Bill, pursuant to P. L. 1980, c. 67.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

August 29, 1983

SENATE BILL NO. 1454 (Corrected Copy)

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Senate Bill No. 1454 (Corrected Copy) with my recommendations for reconsideration.

This bill requires the Department of Health to prepare educational posters and pamphlets, which illustrate choke prevention techniques such as the "Heimlich Maneuver," for local health departments to distribute to restaurants. Restaurants would be required to display these posters in food preparation and service areas and make the pamphlets available to customers.

I agree with the general intent of having restaurant patrons become familiar with such valuable choke prevention techniques. The Heimlich Maneuver is a very simple technique and has saved many lives.

Although I agree with the intent and purpose of this bill, I am concerned that this bill does not contain an appropriation of funds which the Department of Health could utilize to carry out its stated purpose. It is the responsibility of the Legislature to provide sufficient revenue sources and appropriations for the programs they propose. I sincerely hope that this practice will not continue in the future and that all bills presented for my consideration will have included in them the necessary appropriations.

The Department of Health estimates the cost for the printing of choke posters and the printing, distribution and storage of pamphlets, will be approximately \$20,000 for the first year. Based upon this estimate, I recommend that the Legislature appropriate \$20,000 to be used by the Department of Health in carrying out this purpose.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Accordingly, I herewith return Senate Bill No. 1454 (Corrected Copy) and recommend that it be amended as follows:

Page 2, after Section 6:

Insert new section 7 as follows:

"7. There is appropriated to the Department of Health \$20,000.00 for the purposes of this act."

Page 2, Section 7, Line 1:

Delete "7" and insert "8"

Respectfully,

/s/ Thomas H. Kean
GOVERNOR

[seal]

/s/ W. Cary Edwards

Chief Counsel