

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5739

To protect children from foods that pose a significant choking hazard.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2002

Mr. HONDA (for himself, Mr. PAYNE, Mrs. CLAYTON, Mr. PALLONE, Mr. STARK, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. CONYERS, Mr. ACEVEDO-VILÁ, Mr. LIPINSKI, Mrs. CHRISTENSEN, Mr. WYNN, and Mr. POMBO) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To protect children from foods that pose a significant  
choking hazard.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food Choking Preven-  
5 tion Act of 2002”.

6 **SEC. 2. OFFICE OF CHOKING HAZARD EVALUATION.**

7 (a) IN GENERAL.—An Office of Choking Hazard  
8 Evaluation (referred to in this Act as the “Office”) shall  
9 be established by the Food and Drug Administration in

1 collaboration with the Consumer Product Safety Commis-  
2 sion.

3 (b) WARNING LABELS.—The Office shall have the  
4 authority to require warning labels on food products pri-  
5 marily consumed by children that pose a demonstrably  
6 high choking risk to children.

7 (c) RECALL AUTHORITY.—The Office shall have  
8 mandatory recall authority of food products that the Of-  
9 fice determines pose a significant and unacceptable chok-  
10 ing hazard to the general public.

11 **SEC. 3. INTERAGENCY TASK FORCE.**

12 (a) CHOKING HAZARD EVALUATION TASK FORCE.—  
13 A Choking Hazard Evaluation Task Force (referred to in  
14 this Act as the “Task Force”) shall be established jointly  
15 by the Food and Drug Administration and the Consumer  
16 Product Safety Commission. The staff of the Task Force  
17 shall be designated jointly by such agencies.

18 (b) DUTIES.—

19 (1) IN GENERAL.—The Task Force shall be re-  
20 sponsible for establishing criteria for determining  
21 whether a food product poses a significant and unac-  
22 ceptable choking hazard.

23 (2) AGE-SPECIFIC CRITERIA.—In carrying out  
24 paragraph (1), the Task Force shall establish age-  
25 differentiated criteria for choking hazards.

1           (3) PUBLIC COMMENT.—There shall be a 90-  
2           day public comment period after the criteria under  
3           paragraph (1) are announced by the Task Force.

4 **SEC. 4. DATABASE OF COMPLAINTS.**

5           The Food and Drug Administration shall establish a  
6           national database of unusual food choking incidents. The  
7           Food and Drug Administration shall provide for an ade-  
8           quate reporting system throughout its field offices, which  
9           members of the health care profession and the general  
10          public can readily access to report new incidents.

11 **SEC. 5. REPORTS TO CONGRESS.**

12          The Food and Drug Administration shall regularly  
13          submit reports to the Committee on Health, Education,  
14          Labor, and Pensions of the Senate and the Committee on  
15          Energy and Commerce of the House of Representatives  
16          regarding the implementation of this Act.

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