

109TH CONGRESS
1ST SESSION

H. R. 3560

To require the Food and Drug Administration to carry out certain activities with respect to food choking hazards to children, including a program to provide education to the public.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. HONDA (for himself and Mr. TOWNS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Food and Drug Administration to carry out certain activities with respect to food choking hazards to children, including a program to provide education to the public.

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”.

6 **SEC. 2. FOOD CHOKING HAZARDS IN CHILDREN.**

7 (a) EDUCATION.—

1 (1) IN GENERAL.—The Secretary of Health and
2 Human Services, acting through the Commissioner
3 of Food and Drugs (referred to in this section as the
4 “Commissioner”), shall carry out a program to pro-
5 vide education to the public on food choking hazards
6 to children, including education on preventing such
7 hazards and performing life-saving procedures in the
8 event of food choking.

9 (2) CERTAIN REQUIREMENTS.—The following
10 applies with respect to the the program under para-
11 graph (1):

12 (A) The Commissioner shall give priority
13 to providing education to parents of children
14 who are 14 years of age or younger, and to
15 such children directly.

16 (B) The means through which such edu-
17 cation is provided shall include the preparation
18 of education materials to be distributed by pedi-
19 atricians, hospitals, day care centers, and
20 schools.

21 (C) Each year the Commissioner shall des-
22 ignate a particular week during which the ac-
23 tivities of the program will be intensified to pro-
24 vide for the broad dissemination to the public of
25 the information with which the program is con-

1 cerned (referred to in this subsection as “pre-
2 vention week”). The Commissioner shall provide
3 a name for the prevention week, and shall make
4 references to such name in promoting the week.

5 (b) CLASSES DURING PREVENTION WEEK.—The
6 Commissioner may make awards of grants or contracts for
7 the purpose of holding, during the prevention week under
8 subsection (a)(2)(C), classes for the public on preventing
9 food choking hazards and performing life-saving proce-
10 dures in the event of food choking, including instruction
11 on performing the technique known as cardiopulmonary
12 resuscitation.

13 (c) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

14 (1) IN GENERAL.—The Commissioner shall re-
15 quest the National Academy of Sciences to enter
16 into an agreement to conduct, with respect to food
17 choking hazards to children, a comprehensive
18 study—

19 (A) to assess the accuracy and adequacy of
20 current data and data collection efforts;

21 (B) to document the number and nature of
22 incidents of food choking-related deaths and in-
23 juries by age group annually;

24 (C) to consider the nature and causes of
25 childhood food choking incidents;

1 (D) to establish criteria for determining
2 whether a food poses a significant choking haz-
3 ard to children; and

4 (E) to assess the opportunities and key im-
5 pediments to congressional, regulatory, and pri-
6 vate sector initiatives to reduce the number of
7 child deaths and injuries due to food choking.

8 (2) COMMITTEE OF LEADING EXPERTS.—The
9 Commissioner shall ensure that the agreement under
10 paragraph (1) provides that, in conducting the study
11 under such paragraph, the National Academy of
12 Sciences will convene a committee of leading experts
13 and key stakeholders in the medical, consumer pro-
14 tection, and business communities.

15 (3) REPORT.—The Commissioner shall ensure
16 that the agreement under paragraph (1) provides
17 that, not later than one year after the date on which
18 the agreement is entered into, the study under such
19 paragraph will be completed and a report providing
20 the findings of the study will be submitted to the
21 Commissioner and to the appropriate committees of
22 the Congress.

23 (4) AUTHORIZATION OF APPROPRIATIONS.—For
24 the purpose of carrying out this subsection, there is
25 authorized to be appropriated \$800,000.

1 (d) REPORT ON SYSTEM FOR DATA COLLECTION ON
2 DEATHS.—Not later than six months after the date of the
3 enactment of this Act, the Commissioner shall report to
4 the Congress on the reliability and utility of current sys-
5 tems for the collection of data on food choking-related
6 deaths.

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