

**As Reported by the Senate Education Committee**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. H. B. No. 384**

**REPRESENTATIVES Oakar, Callender, Fedor, Distel, Hartnett, Carano,  
Barrett, Setzer, Calvert, Woodard, Sykes, Krupinski, DePiero, Brown, Rhine,  
Otterman, Allen, Key, Patton, Cirelli, DeBose, Strahorn, Redfern, Ogg, Sulzer,  
Beatty, S. Smith, Wilson, Jerse, Mason, Latell, Seaver, Flannery, R. Miller,  
Bocchieri, Sferra, Coates, D. Miller, Hagan, Damschroder, Young, Roman,  
Hoops, Metzger, Flowers, Niehaus, Hollister**

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**A B I L L**

To enact section 3313.815 of the Revised Code to 1  
require public and nonpublic schools to have an 2  
employee trained in the performance of the Heimlich 3  
maneuver present during periods of food service to 4  
students. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3313.815 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 3313.815.** (A) Any school district or nonpublic school 8  
that operates a food service program pursuant to section 3313.81 9  
or 3313.813 of the Revised Code shall require at least one 10  
employee who has received instruction in methods to prevent 11  
choking and has demonstrated an ability to perform the Heimlich 12  
maneuver to be present while students are being served food. 13

The department of education shall establish guidelines for 14  
use by districts and schools in implementing this section. 15

(B) Any nonpublic school or employee of a nonpublic school is 16  
not liable in damages in a civil action for injury, death, or loss 17  
to person or property allegedly caused by an act or omission of 18  
the nonpublic school or an employee of the nonpublic school in 19  
connection with performance of the duties required under division 20  
(A) of this section unless such act or omission was with malicious 21  
purpose, in bad faith, or in a wanton or reckless manner. 22

(C) This section does not create a new cause of action or 23  
substantive legal right against any person. 24