

108TH CONGRESS
1ST SESSION

H. R. 2773

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

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2003

Mr. HONDA (for himself, Mr. FERGUSON, Mr. PALLONE, Mr. WYNN, Mr. POMBO, Mr. PAYNE, Mr. BELL, Mr. STARK, Ms. LEE, and Mrs. CHRISTENSEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2003”.

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. The
10 Food and Drug Administration is encouraged to enter into

1 interagency agreements with the Consumer Product Safe-
2 ty Commission and any other pertinent agencies in estab-
3 lishing and operating the Office.

4 (b) INFORMATIONAL LABELS.—The Office shall have
5 the authority to require informational labels on food con-
6 sumed by children that pose a demonstrably high choking
7 risk to children.

8 (c) RECALL AUTHORITY.—The Office shall have
9 mandatory recall authority of food that the Office deter-
10 mines pose a significant and unacceptable choking hazard
11 to the general public.

12 (d) EDUCATION.—The Office shall produce edu-
13 cational materials on food choking hazards, precautions,
14 and life-saving procedures that shall be provided to pedia-
15 tricians and hospitals to distribute to patients aged 14 and
16 younger. The Office shall designate one week a year as
17 “National Child Food Choking Prevention Week” and
18 shall widely publicize choking hazards and life-saving pro-
19 cedures during that time period. Child safety, as well as
20 infant and child CPR classes, shall be made widely avail-
21 able throughout the designated week.

22 **SEC. 3. INTERAGENCY TASK FORCE.**

23 (a) CHOKING HAZARD EVALUATION TASK FORCE.—
24 The Food and Drug Administration, in consultation with
25 the Consumer Product Safety Commission, shall establish

1 the Choking Hazard Evaluation Task Force (referred to
2 in this Act as the “Task Force”). The staff of the Task
3 Force shall be designated by such agencies.

4 (b) Duties.—

5 (1) IN GENERAL.—The Task Force shall be re-
6 sponsible for establishing criteria for determining
7 whether a food poses a significant and unacceptable
8 choking hazard.

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

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

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

16 The Food and Drug Administration, in consultation
17 with other pertinent agencies, shall ensure that there is
18 in operation a national database of food choking incidents.
19 The Food and Drug Administration shall provide for an
20 adequate reporting system throughout its field offices,
21 which members of the health care profession and the gen-
22 eral public can readily access to report new incidents.

23 **SEC. 5. REPORTS TO CONGRESS.**

24 The Food and Drug Administration shall regularly
25 submit reports to the Committee on Health, Education,

- 1 Labor, and Pensions of the Senate and the Committee on
- 2 Energy and Commerce of the House of Representatives
- 3 regarding the implementation of this Act.

