§ 1352-b. Public eating establishments; first aid instructions concerning food lodged in throat; liability. 1. Definitions. For purposes of this section:

a. "Public eating establishment" shall mean a cafeteria or lunchroom located in a school or educational institution and a restaurant, dining room, dining car or other place engaged in the preparation and service on the premises of food for and to the general public;

b. "Choking emergency" shall mean a situation occurring in a public eating establishment in which food has become lodged in a person's throat in such a manner as to prevent or severely inhibit the continued breathing of such person.

2. First aid instructions. a. The commissioner shall adopt and approve first aid instructions designed and intended for use in removing food lodged in the throat of a victim of a choking emergency. Such instructions shall be limited to first aid techniques not involving the use of any physical instrument or device to be inserted into the victim's mouth or throat.

b. The commissioner shall, as soon as is practicable, supply to the proprietor of every public eating establishment in this state such adopted and approved instructions.

3. Posting. The proprietor of every public eating establishment in this state shall, upon receipt thereof, post such instructions in a conspicuous place or places in order that the proprietor and employees may become familiar with them, and in order that the instructions may be consulted by any person attempting to provide relief to the victim of a choking emergency; provided, that the fact that such instructions shall not have been posted as required by this section at the time of a choking emergency shall not in and of itself subject such a proprietor, or his employees or agents, to liability in any civil action for damages for personal injuries or wrongful death arising from such choking emergency.

4. No duty to act. Nothing contained in this section shall impose any duty or obligation on any proprietor, employee or other person to remove, assist in removing, or attempt to remove food from the throat of the victim of a choking emergency.

5. Immunity from liability. Notwithstanding any inconsistent provision of law or ordinance, a proprietor, employee or other person who voluntarily and without expectation of monetary compensation removes, assists in removing, or attempts to remove food from the throat of the victim of a choking emergency in accordance with the instructions adopted by the commissioner shall not be liable for damages for injuries alleged to have been sustained by such victim or for damages for the death of such victim alleged to have occurred by reason of an act or omission in the rendering of such emergency assistance unless it is established that such injuries were, or such death was, caused by gross negligence on the part of such proprietor, employee or person.