

JAN 18 2013

S.B. NO. 400

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# A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that sudden unexpected  
2 infant death is a broad term that refers to the sudden death of  
3 an infant less than one year of age where the specific cause of  
4 death is not immediately obvious prior to investigation.  
5 According to the Centers for Disease Control and Prevention,  
6 more than 4,500 sudden unexpected infant deaths occur in the  
7 United States every year. The specific cause of death may  
8 include but not be limited to sudden infant death syndrome,  
9 infection, accidental suffocation, poisoning or overdose, or  
10 metabolic disorders. Sudden infant death syndrome, the sudden  
11 death of an infant less than one year of age where the death  
12 cannot be explained even after a thorough investigation is  
13 conducted, accounts for half of the sudden unexpected infant  
14 deaths that occur in the United States every year and is the  
15 leading cause of death among infants one year of age or younger.  
16 According to a Mayo Clinic web article, "[T]he exact cause is  
17 unknown, but sudden infant death syndrome may be associated with  
18 abnormalities in the portion of an infant's brain that controls



1 breathing and arousal from sleep. Although all babies are  
2 vulnerable, certain sleep environments have been linked to  
3 increased risk. Perhaps the most important way to reduce the  
4 risk of sudden infant death syndrome is to place your baby on  
5 his or her back to sleep, on a firm crib mattress covered by a  
6 fitted sheet. Nothing else should go in the crib with your baby  
7 – no blanket, pillow, bumper pads or toys." The Centers for  
8 Disease Control and Prevention, Division of Reproductive Health,  
9 recognizes sudden infant death syndrome and sudden unexpected  
10 infant deaths as a public health issue and has established the  
11 Sudden Unexpected Infant Death Initiative to address the problem  
12 by improving investigation and reporting practices of sudden  
13 infant death syndrome and sudden unexpected infant deaths. The  
14 Initiative includes improving data collection and reporting  
15 regarding sudden unexpected infant deaths, using improved data  
16 to identify those at risk of sudden unexpected infant death, and  
17 training professionals to conduct comprehensive infant death  
18 investigations, with the hope that better data and the  
19 consistent classification of causes of death will result in a  
20 greater ability to prevent these types of deaths.

21 The legislature also finds that sudden unexpected infant  
22 deaths and sudden infant death syndrome are preventable through



1 safe sleep policies that address causes of death that are  
2 associated with sudden unexpected infant deaths, such as  
3 accidental suffocation, and incorporate elements of the Sudden  
4 Unexpected Infant Death Initiative. However, Hawaii is one of  
5 nine states that do not regulate the proper sleep positions of  
6 infants and toddlers under the care of child care centers or  
7 family care homes.

8 The purpose of this Act is to require child care  
9 facilities, which include family child care homes, group child  
10 care centers, group child care homes, and infant and toddler  
11 child care centers, that care for children one year of age or  
12 younger to implement safe sleep policies to prevent the  
13 occurrence of sudden unexpected infant deaths and sudden infant  
14 death syndrome.

15 SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
16 amended by adding a new section to part VIII to be appropriately  
17 designated and to read as follows:

18 "§346- Safe sleep policy. (a) All child care  
19 facilities, which include family child care homes, group child  
20 care centers, and group child care homes, as those terms are  
21 defined in section 346-151, and infant and toddler child care  
22 centers, that are registered or licensed by the department to



1 provide care for children one year of age or younger shall  
2 develop, maintain, and implement a written safe sleep policy in  
3 accordance with rules adopted by the department. The purpose of  
4 the safe sleep policy shall be to maintain a safe sleep  
5 environment that prevents the occurrence of sudden infant death  
6 syndrome and sudden unexpected infant deaths in children one  
7 year of age or younger.

8 (b) Each safe sleep policy shall require operators of each  
9 respective child care facility, which includes family child care  
10 homes, group child care centers, group child care homes, and  
11 infant and toddler child care centers, to place a child one year  
12 of age or younger on the child's back for sleeping, unless the  
13 operator of the respective child care facility obtains a written  
14 waiver of this requirement from a health care professional, as  
15 defined in rules adopted by the department.

16 (c) The operator of the child care facility, family child  
17 care home, group child care center, group child care home, or  
18 infant and toddler child care center, as applicable, shall  
19 discuss the safe sleep policy with the child's parent or legal  
20 guardian before the child is enrolled in the child care  
21 facility, home, or center. The child's parent or legal guardian  
22 shall sign a statement attesting that the parent or legal



1 guardian received a copy of the safe sleep policy and that the  
2 policy was discussed with the parent or legal guardian before  
3 the child's enrollment.

4 (d) The operator and all employees of an operator of a  
5 child care facility, which includes family child care homes,  
6 group child care centers, group child care homes, and infant and  
7 toddler child care centers, shall complete training in safe  
8 sleep practices. The department shall conduct the training.

9 (e) Every child care facility, family child care home,  
10 group child care center, group child care home, and infant and  
11 toddler child care center shall promptly report to the  
12 department the death of a child one year of age or younger that  
13 occurs while in the facility, home, or center's care.

14 (f) As used in this section:

15 "Sudden infant death syndrome" means the sudden death of an  
16 infant less than one year of age that cannot be explained after  
17 a thorough investigation has been conducted, including a  
18 complete autopsy, an examination of the death scene, and a  
19 review of the clinical history.

20 "Sudden unexpected infant death" means the sudden and  
21 unexpected death of an infant less than one year of age in which  
22 the manner and cause of death are not immediately obvious prior

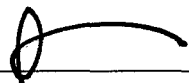


1 to investigation. Causes of sudden unexpected infant death  
2 include but are not limited to metabolic disorders, hypothermia  
3 or hyperthermia, neglect or homicide, poisoning, and accidental  
4 suffocation."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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# S.B. NO. 400

**Report Title:**

Sudden Infant Death Syndrome; Sudden Unexpected Infant Death;  
Safe Sleep Policy

**Description:**

Requires child care facilities, family child care homes, group child care centers, group child care homes, and infant and toddler child care centers that care for children one year of age or younger to develop, maintain, and implement safe sleep policies to prevent sudden unexpected infant deaths and sudden infant death syndrome. Makes certain requirements of operators.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

