



GOV. MSG. NO. 1171

APR 30 2013
EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 30, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 30, 2013, the following bill was signed into law:

SB400 SD1 HD1

RELATING TO HUMAN SERVICES
ACT 071 (13)

Aloha
Signed,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

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 four thousand five hundred sudden unexpected infant
7 deaths occur in the United States every year. The specific
8 cause of death may include but not be limited to sudden infant
9 death syndrome, infection, accidental suffocation, poisoning or
10 overdose, or metabolic disorders. Sudden infant death syndrome,
11 the sudden death of an infant less than one year of age where
12 the death cannot be explained even after a thorough
13 investigation is conducted, accounts for half of the sudden
14 unexpected infant deaths that occur in the United States every
15 year and is the leading cause of death among infants less than
16 one year of age. According to a Mayo Clinic web article, "[T]he
17 exact cause is unknown, but sudden infant death syndrome may be
18 associated with abnormalities in the portion of an infant's



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



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

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

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

20 "§346- Safe sleep policy. (a) All child care
 21 facilities, which include family child care homes, group child
 22 care centers, and group child care homes, as those terms are



1 defined in section 346-151, and infant and toddler child care
2 centers, that are registered or licensed by the department to
3 provide care for children less than one year of age shall
4 implement and maintain a written safe sleep policy in accordance
5 with any rules that may be adopted by the department to
6 implement the provisions of this section. The purpose of the
7 safe sleep policy shall be to maintain a safe sleep environment
8 that prevents the occurrence of sudden infant death syndrome and
9 sudden unexpected infant deaths in children less than one year
10 of age.

11 (b) As used in this section:

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

17 "Sudden unexpected infant death" means the sudden and
18 unexpected death of an infant less than one year of age in which
19 the manner and cause of death are not immediately obvious prior
20 to investigation. Causes of sudden unexpected infant death
21 include but are not limited to metabolic disorders, hypothermia



1 or hyperthermia, neglect or homicide, poisoning, and accidental
2 suffocation."

3 SECTION 3. New statutory material is underscored.

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

APPROVED this 30 day of APR, 2013



GOVERNOR OF THE STATE OF HAWAII