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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 sudden infant death syndrome, infection, accidental  
9 suffocation, poisoning, overdose, or metabolic disorders.  
10 Sudden infant death syndrome, the sudden death of an infant less  
11 than one year of age where the death cannot be explained even  
12 after a thorough investigation is conducted, accounts for half  
13 of the sudden unexpected infant deaths that occur in the United  
14 States every year and is the leading cause of death among  
15 infants one year of age or younger.

16           According to a Mayo Clinic web article, "the 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."

8       The 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, including sudden infant death syndrome, are preventable  
3 through safe sleep policies that address causes of death that  
4 are associated with sudden unexpected infant deaths, such as  
5 accidental suffocation, and incorporate elements of the Sudden  
6 Unexpected Infant Death Initiative. Currently, 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 one year of age or  
14 younger to implement safe sleep policies to prevent the  
15 occurrence of sudden unexpected infant deaths, including sudden  
16 infant 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 shall develop, maintain, and implement a written safe  
22 sleep policy in accordance with rules adopted by the department.



1 The purpose of the safe sleep policy shall be to maintain a safe  
2 sleep environment that prevents the occurrence of sudden  
3 unexpected infant deaths, including sudden infant death  
4 syndrome, in children one year of age or younger.

5 (b) Each safe sleep policy shall require operators of each  
6 respective child care facility to place a child one year of age  
7 or younger on the child's back for sleeping, unless the operator  
8 of the respective child care facility obtains a written waiver  
9 of this requirement from a health care professional, as defined  
10 in rules adopted by the department.

11 (c) The operator of a child care facility shall discuss  
12 the safe sleep policy with a child's parent or legal guardian  
13 before a child is enrolled in the child care facility. The  
14 child's parent or legal guardian shall sign a statement  
15 attesting that the parent or legal guardian received a copy of  
16 the safe sleep policy and that the policy was discussed with the  
17 parent or legal guardian prior to the child's enrollment.

18 (d) The operator of a child care facility and all of the  
19 operator's employees shall complete training in safe sleep  
20 practices. The department shall approve the training.



1       (e) Every child care facility shall promptly report to the  
2 department the death of a child one year of age or younger that  
3 occurs while at the facility.

4       (f) As used in this section:

5       "Child care facility" has the same meaning as defined in  
6 section 346-151, but also includes infant and toddler child care  
7 centers that are registered or licensed by the department to  
8 provide care for children one year of age or younger.

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

14       "Sudden unexpected infant death" means the sudden and  
15 unexpected death of an infant less than one year of age in which  
16 the manner and cause of death are not immediately obvious prior  
17 to investigation. Causes of sudden unexpected infant death  
18 include metabolic disorders, hypothermia, hyperthermia, neglect,  
19 homicide, poisoning, and accidental suffocation."

20       SECTION 3. New statutory material is underscored.



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

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JAN 22 2013



# H.B. NO. 984

**Report Title:**

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

**Description:**

Requires child care facilities, including 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.

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

