

JAN 19 2017

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# A BILL FOR AN ACT

RELATING TO CHILD CARE.

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

1           SECTION 1. Section 346-152.7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§~~346-152.7~~§~~ **Safe sleep policy.** (a) All child care  
4 facilities~~[, which include family child care homes, group child~~  
5 ~~care centers, and group child care homes, as those terms are~~  
6 ~~defined in section 346-151, and infant and toddler child care~~  
7 ~~centers,]~~ that are registered or licensed by the department to  
8 provide care for children less than one year of age shall  
9 implement and maintain a written safe sleep policy in accordance  
10 with any rules that may be adopted by the department to  
11 implement the provisions of this section. The purpose of the  
12 safe sleep policy shall be to maintain a safe sleep environment  
13 that prevents the occurrence of sudden infant death syndrome and  
14 sudden unexpected infant deaths in children less than one year  
15 of age.

16           (b) Each safe sleep policy shall require operators of each  
17 respective child care facility to place a child one year of age



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1 or younger on the child's back for sleeping, unless the operator  
2 of the respective child care facility obtains a written waiver  
3 of this requirement from a health care professional, as defined  
4 in rules adopted by the department.

5 (c) The operator of the child care facility shall discuss  
6 the safe sleep policy with the child's parent or legal guardian  
7 before the child is enrolled in the child care facility. The  
8 child's parent or legal guardian shall sign a statement  
9 attesting that the parent or legal guardian received a copy of  
10 the safe sleep policy and that the policy was discussed with the  
11 parent or legal guardian before the child's enrollment.

12 (d) The operator and all employees of an operator of a  
13 child care facility shall complete annual or biennial training  
14 in safe sleep practices. The department shall conduct the  
15 training.

16 (e) Every child care facility shall promptly report to the  
17 department the death of a child one year of age or younger that  
18 occurs while in the facility's care.

19 ~~(b)~~ (f) As used in this section:

20 "Child care facilities" means family child care homes,  
21 group child care centers, and group child care homes, as those



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1 terms are defined in section 346-151, and infant and toddler  
2 child care centers.

3 "Sudden infant death syndrome" means the sudden death of an  
4 infant less than one year of age that cannot be explained after  
5 a thorough investigation has been conducted, including a  
6 complete autopsy, an examination of the death scene, and a  
7 review of the clinical history.

8 "Sudden unexpected infant death" means the sudden and  
9 unexpected death of an infant less than one year of age in which  
10 the manner and cause of death are not immediately obvious prior  
11 to investigation. Causes of sudden unexpected infant death  
12 include but are not limited to metabolic disorders, hypothermia  
13 or hyperthermia, neglect or homicide, poisoning, and accidental  
14 suffocation."

15 SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.  
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**Report Title:**

Safe Sleep Policy; Child Care Facilities; Department of Human Services

**Description:**

Requires operators of child care facilities, including 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 implement and maintain safe sleep policies to prevent sudden unexpected infant deaths and sudden infant death syndrome in accordance with rules adopted by the Department of Human Services.

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