

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 522
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Ways and Means, to which was referred S.B. No. 522 entitled:

"A BILL FOR AN ACT RELATING TO HUMAN SERVICES,"

beg leave to report as follows:

The purpose and intent of this measure is to prevent sudden unexpected infant deaths and sudden infant death syndrome in child care facilities by:

- (1) Strengthening the safe sleep policy for child care facilities for children less than one year of age by requiring placement of children on their backs for sleeping and establishing notice and annual training requirements; and
- (2) Requiring child care facilities to report the death of a child less than one year of age that occurs in a child care facility to the Department of Human Services.

Your Committees received testimony in support of this measure from the Hawaii Children's Action Network and fifty-nine individuals. Your Committees received testimony in opposition to this measure from the Department of Human Services. Your Committees received comments on this measure from the Department of Health.



Your Committees find that many cases of sudden unexpected infant deaths and sudden infant death syndrome are preventable through safe sleep policies that address causes of death associated with sudden unexpected infant deaths and sudden infant death syndrome. Your Committees further find that the State regulates and inspects child care facilities through the Department of Human Services' child care licensing program to ensure the health and safety of all children in child care.

Your Committees additionally find that on February 6, 2017, the Department of Human Services conducted a public hearing to hear proposed amendments to administrative rules for registered family child care homes and licensed infant and toddler child care centers. The proposed amendments sought to improve safety and care by accommodating any changes to best practices and standards of care that may occur related to sleep-related deaths in infants. After consideration of comments and oral testimony provided at the public hearing, the Department adopted amendments to the administrative rules that became effective on February 24, 2017. Your Committees note that it is the intent of the Legislature to incorporate the recently-amended administrative rules into this measure.

Accordingly, your Committees have amended this measure by:

- (1) Inserting language to clarify that a safe sleep policy shall require each child care facility to ensure that any child less than one year of age is placed on the child's back to sleep, unless written instructions are on file at the child care facility from a healthcare practitioner indicating an alternate sleep position;
- (2) Inserting the term "provider" to replace the term "operator" in regard to referencing a child care facility;
- (3) Deleting language that required the Department of Human Services to conduct safe sleep training and replacing it with language that:
 - (A) Requires all employees, household members, and volunteers of a child care facility to complete upon hire, and annually thereafter, training in




safe sleep practices that is approved by the department; and

- (B) Requires each child care facility to maintain a record of trainings completed;
- (4) Inserting language to specify that every child care facility shall report to the Department of Human Services, within one working day of occurrence, the death of a child, employee, or household member, and any illness or injury received at the child care facility that results in a child's hospitalization; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 522, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 522, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Ways and Means,



JILL N. TOKUDA, Chair



ROSALYN H. BAKER, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

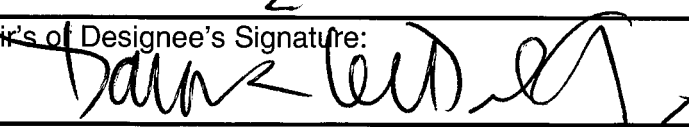
Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* SB 522	Committee Referral: HMS, CPH/WAM	Date: 2/28/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			<i>De</i>
ESPERO, Will				/
IHARA, Jr., Les	/			
KIDANI, Michelle N.	/			
RUDERMAN, Russell E.				/
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Clarence K. Nishihara</i></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 522	Committee Referral: HMS, CPH/WAM	Date: 1/28/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUYE, Lorraine R.				/
KAHELE, Kaiali'i	/			
RIVIERE, Gil	/			
SHIMABUKURO, Maile S.L.	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn				/
TOTAL	9			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod				
File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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