

**ACT 71**

S.B. NO. 400

A Bill for an Act Relating to Human Services.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that sudden unexpected infant death is a broad term that refers to the sudden death of an infant less than one year of age where the specific cause of death is not immediately obvious prior to investi-

gation. According to the Centers for Disease Control and Prevention, more than four thousand five hundred sudden unexpected infant deaths occur in the United States every year. The specific cause of death may include but not be limited to sudden infant death syndrome, infection, accidental suffocation, poisoning or overdose, or metabolic disorders. Sudden infant death syndrome, the sudden death of an infant less than one year of age where the death cannot be explained even after a thorough investigation is conducted, accounts for half of the sudden unexpected infant deaths that occur in the United States every year and is the leading cause of death among infants less than one year of age. According to a Mayo Clinic web article, "[T]he exact cause is unknown, but sudden infant death syndrome may be associated with abnormalities in the portion of an infant's brain that controls breathing and arousal from sleep. Although all babies are vulnerable, certain sleep environments have been linked to increased risk. Perhaps the most important way to reduce the risk of sudden infant death syndrome is to place your baby on his or her back to sleep, on a firm crib mattress covered by a fitted sheet. Nothing else should go in the crib with your baby - no blanket, pillow, bumper pads or toys." The Centers for Disease Control and Prevention, Division of Reproductive Health, recognizes sudden infant death syndrome and sudden unexpected infant deaths as a public health issue and has established the Sudden Unexpected Infant Death Initiative to address the problem by improving investigation and reporting practices of sudden infant death syndrome and sudden unexpected infant deaths. The Initiative includes improving data collection and reporting regarding sudden unexpected infant deaths, using improved data to identify those at risk of sudden unexpected infant death, and training professionals to conduct comprehensive infant death investigations, with the hope that better data and the consistent classification of causes of death will result in a greater ability to prevent these types of deaths.

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

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

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

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

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(b) As used in this section:

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

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

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved April 30, 2013.)

**Note**

1. Edited pursuant to HRS §23G-16.5.