

2016 Regular Session

HOUSE BILL NO. 171

BY REPRESENTATIVES HODGES, BAGLEY, COX, HENSGENS, HILFERTY,
HORTON, MIKE JOHNSON, LEBAS, POPE, AND WILLMOTT

CHILDREN/NEWBORNS: Requires birthing centers, hospitals, and licensed midwives to offer information to parents of newborns on shaken baby syndrome and sudden unexpected infant death

1 AN ACT

2 To enact Subpart D of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 40:1086.1 through 1086.4, relative to prevention
4 of certain conditions affecting the health and safety of newborns and young children;
5 to provide for definitions and findings; to establish requirements of birthing centers
6 regarding delivery of information on shaken baby syndrome and sudden unexpected
7 infant death; to authorize certain public awareness activities by the Department of
8 Health and Hospitals; to provide for administrative rulemaking; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart D of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised
12 Statutes of 1950, comprised of R.S. 40:1086.1 through 1086.4, is hereby enacted to read as
13 follows:

14 SUBPART D. SHAKEN BABY SYNDROME AND

15 SUDDEN UNEXPECTED INFANT DEATH PREVENTION

16 §1086.1. Definitions

17 As used in this Subpart, the following terms have the meaning ascribed in this

18 Section:

19 (1) "Birthing center" means a healthcare facility, the primary purpose of

20 which is the performance of low-risk deliveries, where births are planned to occur

1 away from the mother's usual residence following a low-risk pregnancy. For
2 purposes of this Subpart, the term "birthing center" shall not include a hospital or a
3 facility licensed as part of a hospital.

4 (2) "Department" means the Department of Health and Hospitals.

5 (3) "Hospital" means a facility that is licensed as a hospital in accordance
6 with the provisions of the Hospital Licensing Law, R.S. 40:2100 et seq.

7 (4) "Licensed midwife" means a midwife who is licensed in accordance with
8 the provisions of the Midwife Practitioners Act, R.S. 37:3240 et seq.

9 (5) "Postneonatal death" means the death of a child aged twenty-eight days
10 to three hundred sixty-four days.

11 (6) "Shaken baby syndrome" means the condition known also as abusive
12 head trauma which is characterized by injuries resulting from violent shaking or
13 shaking and impacting of the head of an infant or small child.

14 (7) "Sudden unexpected infant death" means the death of an infant of less
15 than one year of age, the cause of which is not immediately obvious before
16 investigation, that occurs suddenly and unexpectedly. A sudden unexpected infant
17 death requires the performance of a thorough postmortem investigation that includes
18 a complete autopsy, an examination of the death scene, and a review of the clinical
19 history of the deceased child. The term includes ill-defined and unknown causes of
20 mortality, sudden infant death syndrome, and accidental suffocation and
21 strangulation in bed.

22 §1086.2. Legislative findings; declaration

23 A. With respect to shaken baby syndrome, the legislature finds that this
24 condition occurs when an infant or child is violently shaken as part of a pattern of
25 abuse, or because an adult has momentarily succumbed to the frustration of
26 responding to a crying infant or child. The legislature further finds that the effects
27 of shaken baby syndrome can include brain swelling and damage, subdural
28 hemorrhage, intellectual disability, and death.

1 B. With respect to sudden infant death syndrome, which is a form of sudden
2 unexpected infant death, the legislature finds all of the following:

3 (1) Sudden infant death syndrome was the leading cause of postneonatal
4 death in each year of the most recent ten-year period for which complete child
5 mortality data is available (2002 through 2012).

6 (2) Even after a thorough investigation, it is difficult to distinguish sudden
7 infant death syndrome from other sleep-related infant deaths such as from overlay
8 or suffocation in soft bedding.

9 (3) Parents and caregivers can take simple steps to reduce the risk of sudden
10 unexpected infant deaths.

11 C. The legislature hereby declares that prevention of shaken baby syndrome
12 and prevention of sudden unexpected infant death are major public health priorities
13 of this state.

14 §1086.3. Information for parents of newborns; birthing center requirements

15 A. Every birthing center, hospital, and licensed midwife shall share resources
16 with each maternity patient and father of a newborn child, if available, regarding
17 shaken baby syndrome and sudden unexpected infant death.

18 B.(1) The department shall promulgate all rules in accordance with the
19 Administrative Procedure Act as are necessary to implement the provisions of this
20 Subpart. At minimum, the rules of the department shall designate the compendium
21 of resources approved for use by birthing centers, hospitals, and licensed midwives
22 to meet the requirements of Subsection A of this Section. The compendium of
23 resources shall, collectively, address all of the following:

24 (a) The dangers of shaking infants and children.

25 (b) The symptoms of shaken baby syndrome.

26 (c) The dangers associated with rough handling or striking of an infant.

27 (d) Safety measures which can be taken to prevent sudden unexpected infant
28 death.

1 (e) The risks associated with infants sleeping in the same bed with other
2 children or adults.

3 (2) The department shall ensure that all approved resources provided for in
4 this Subsection are publicly available, through the department's website or any other
5 means, to birthing centers, hospitals, and licensed midwives.

6 §1086.4. Public awareness activities authorized

7 The department is hereby authorized to conduct public awareness activities
8 designed to promote the prevention of shaken baby syndrome and prevention of
9 sudden unexpected infant death. The public awareness activities may include but
10 shall not be limited to public service announcements, information kits and brochures,
11 promotion of relevant telephone hotlines, and provision of information concerning
12 shaken baby syndrome and sudden unexpected infant death on an internet website.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 171 Engrossed

2016 Regular Session

Hodges

Abstract: Requires birthing centers to offer to parents of newborns the opportunity to receive information and view a video presentation on shaken baby syndrome and sudden infant death syndrome.

Proposed law provides definitions.

Proposed law provides findings relative to the dangers of shaken baby syndrome and sudden unexpected infant death. Declares that prevention of these conditions is a major public health priority of this state.

Proposed law requires every birthing center, hospital, and licensed midwife in this state to share resources with each maternity patient and father of a newborn child, if available, regarding shaken baby syndrome and sudden unexpected infant death.

Proposed law requires DHH to promulgate all administrative rules as are necessary to implement the provisions of proposed law. Provides that at minimum, the rules shall designate the compendium of resources approved for use in accordance with the requirements of proposed law. Requires that the resources, collectively, address all of the following:

- (1) The dangers of shaking infants and children.
- (2) The symptoms of shaken baby syndrome.
- (3) The dangers associated with rough handling or striking of an infant.

- (4) Safety measures which can be taken to prevent sudden unexpected infant death.
- (5) The risks associated with infants sleeping in the same bed with other children or adults.

Proposed law requires DHH to ensure that all approved resources provided for in proposed law are publicly available, through the department's website or any other means, to the facilities and persons to which proposed law applies.

(Adds R.S. 40:1086.1-1086.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete the defined term "birthing facility", its corresponding definition, and instances of the term from proposed law, and add in lieu thereof the following defined term and definition: ""Birthing center" means a healthcare facility, the primary purpose of which is the performance of low-risk deliveries, where births are planned to occur away from the mother's usual residence following a low-risk pregnancy, and which is not a hospital or a facility licensed as part of a hospital."
2. Delete the defined term "sudden infant death syndrome", its corresponding definition, and instances of the term from proposed law, and add in lieu thereof the following defined term and definition: ""Sudden unexpected infant death" means the death of an infant of less than one year of age, the cause of which is not immediately obvious before investigation, that occurs suddenly and unexpectedly. A sudden unexpected infant death requires the performance of a thorough postmortem investigation that includes a complete autopsy, an examination of the death scene, and a review of the clinical history of the deceased child. The term includes ill-defined and unknown causes of mortality, sudden infant death syndrome, and accidental suffocation and strangulation in bed."
3. Provide legislative findings relative to sudden unexpected infant death.
4. Extend application of proposed law to hospitals and licensed midwives.
5. Delete provisions requiring that after parents of newborns view a presentation and read certain materials, or upon their refusal to do so, the facilities to which proposed law applies shall request that those persons sign a form indicating that they viewed and read, or refused to view and read, the presentation and materials.
6. Delete provisions of proposed law requiring DHH, through administrative rulemaking, to approve one or more video presentations and the compendium of printed materials for use in accordance with proposed law.
7. Require that DHH, through administrative rulemaking, approve the compendium of resources for use in accordance with proposed law; and that these resources shall, collectively, address all of the following:
 - (a) The dangers of shaking infants and children.
 - (b) The symptoms of shaken baby syndrome.
 - (c) The dangers associated with rough handling or striking of an infant.

- (d) Safety measures which can be taken to prevent sudden unexpected infant death.
 - (e) The risks associated with infants sleeping in the same bed with other children or adults.
8. Delete provisions authorizing DHH to furnish any presentation or materials provided for in proposed law to the facilities to which proposed law applies; and add in lieu thereof provisions requiring DHH to ensure that all approved resources provided for in proposed law are publicly available, through the department's website or any other means, to the facilities and persons to which proposed law applies.