

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 144**

**Senator Stivers**

**Cosponsors: Senators Goodman, Miller, D., Schuler, Gardner**

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**A B I L L**

To enact sections 3701.63, 3701.64, and 5101.135 of 1  
the Revised Code to require the Director of Health 2  
to establish the Shaken Baby Syndrome Education 3  
Program and to require the Department of Job and 4  
Family Services to record in the statewide 5  
automated child welfare information system whether 6  
a reported case of child abuse involved shaken 7  
baby syndrome. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3701.63, 3701.64, and 5101.135 of 9  
the Revised Code be enacted to read as follows: 10

**Sec. 3701.63.** (A) As used in this section and section 3701.64 11  
of the Revised Code: 12

(1) "Child day-care center," "type A family day-care home," 13  
and "certified type B family day-care home" have the same meanings 14  
as in section 5104.01 of the Revised Code. 15

(2) "Child care facility" means a child day-care center, a 16  
type A family day-care home, or a certified type B family day-care 17  
home. 18

(3) "Freestanding birthing center" has the same meaning as in 19

section 3702.51 of the Revised Code. 20

(4) "Hospital" means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital. 21  
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(5) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care. 24  
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(6) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed. 29  
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(7) "Shaken baby syndrome" means damage to the brain of an infant or young child, including, but not limited to, swelling that impedes the supply of oxygen to the brain or any degree of brain damage that results from the infant or young child having been forcefully shaken. 34  
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(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following: 39  
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(1) By not later than one year after the effective date of this section, with the advice of the work group appointed under division (C) of this section, developing educational materials that present readily comprehensible information on shaken baby syndrome; 41  
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(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section; 46  
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(3) Beginning in 2009, annually assessing the effectiveness 49

of the shaken baby syndrome education program by evaluating the 50  
reports received pursuant to section 5101.135 of the Revised Code. 51

(C) The director of health shall appoint and convene a work 52  
group to advise the director on the shaken baby syndrome 53  
educational materials the director is required to develop under 54  
division (B) of this section. The work group shall include at 55  
least one representative of each of the following: 56

(1) Child abuse prevention advocates; 57

(2) The staff of the "help me grow" program established 58  
pursuant to section 3701.61 of the Revised Code; 59

(3) Experts in the field of infant care, particularly in the 60  
area of infant calming methods; 61

(4) Maternity unit directors; 62

(5) Parenting skills educators; 63

(6) Child care facilities. 64

The work group may also include, at the director's 65  
discretion, representatives of other professions whose members 66  
have practical experience regarding shaken baby syndrome and 67  
representatives of citizens organizations whose members are 68  
knowledgeable about shaken baby syndrome. 69

**Sec. 3701.64.** (A) A copy of the shaken baby syndrome 70  
educational materials developed under section 3701.63 of the 71  
Revised Code shall be distributed in the following manner: 72

(1) By child birth educators and the staff of pediatric 73  
physicians' offices and obstetricians offices, to an expectant 74  
parent who uses their services; 75

(2) By the hospital or freestanding birthing center in which 76  
a child is born, to the child's parent before the child is 77  
discharged from the facility; 78

(3) By the staff of the "help me grow" program established pursuant to section 3701.61 of the Revised Code, to the child's parent during home-visiting services conducted in accordance with that section; 79  
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(4) By each child care facility operating in this state, to each of its employees. 83  
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(B) Each entity and person required to distribute educational materials pursuant to division (A) of this section is immune from any civil and criminal liability for injury, death, or loss to person or property resulting from the dissemination of, or failure to disseminate, those educational materials. 85  
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**Sec. 5101.135.** (A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section 5101.13 of the Revised Code, shall make a notation on each case of child abuse that indicates whether the child abuse arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome. 90  
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(B) Beginning March 1, 2009, and each first day of March thereafter, the department of job and family services shall report to the director of health the number of reports of child abuse that arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome and that arose during the calendar year immediately preceding the calendar year in which the report is made, as determined by an examination of the statewide automated child welfare information system established and maintained under section 5101.13 of the Revised Code. 97  
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(C) As used in this section, "shaken baby syndrome" has the same meaning as in section 3701.63 of the Revised Code. 107  
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