

**As Passed by the House**

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

**Am. S. B. No. 144**

**Senator Stivers**

**Cosponsors: Senators Goodman, Miller, D., Schuler, Gardner, Schuring,  
Padgett, Morano, Austria, Boccieri, Clancy, Faber, Fedor, Harris, Kearney,  
Mason, Miller, R., Mumper, Niehaus, Roberts, Sawyer, Schaffer, Spada,  
Wilson, Cafaro, Buehrer**

**Representatives Schindel, Flowers, Yuko, Hagan, R., DeBose, Otterman,  
Letson, Boyd, Fende, Brown, Williams, B., Uecker, Raussen, Jones, Beatty,  
Blessing, Bolon, Brady, Budish, Celeste, Chandler, Collier, Combs,  
DeGeeter, Distel, Domenick, Dyer, Evans, Hagan, J., Harwood, Healy, Heard,  
Hite, Hottinger, Huffman, Hughes, Luckie, Lundy, McGregor, J., Mecklenborg,  
Oelslager, Peterson, Sayre, Schlichter, Schneider, Setzer, Skindell,  
Stewart, D., Strahorn, Szollosi, Wachtmann, Wagoner, White, Zehringer**

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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 21  
adopted under section 3701.07 of the Revised Code as a general 22  
hospital or children's hospital. 23

(5) "Maternity unit" means any unit or place in a hospital 24  
where women are regularly received and provided care during all or 25  
part of the maternity cycle, except that "maternity unit" does not 26  
include an emergency department or similar place dedicated to 27  
providing emergency health care. 28

(6) "Parent" means either parent, unless the parents are 29  
separated or divorced or their marriage has been dissolved or 30  
annulled, in which case "parent" means the parent who is the 31  
residential parent and legal custodian of the child. "Parent" also 32  
means a prospective adoptive parent with whom a child is placed. 33

(7) "Shaken Baby Syndrome" means signs and symptoms, 34  
including, but not limited to, retinal hemorrhages in one or both 35  
eyes, subdural hematoma, or brain swelling, resulting from the 36  
violent shaking or the shaking and impacting of the head of an 37  
infant or small child. 38

(B) The director of health shall establish the shaken baby 39  
syndrome education program by doing all of the following: 40

(1) By not later than one year after the effective date of this section, with the advice of the work group appointed under division (D) 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 of the shaken baby syndrome education program by evaluating the reports received pursuant to section 5101.135 of the Revised Code. 49  
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(C) In meeting the requirements under division (B) of this section, the director shall not develop educational materials that will impose an administrative or financial burden on any of the entities or persons listed in section 3701.64 of the Revised Code. 52  
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(D) The director of health shall appoint and convene a work group to advise the director on the shaken baby syndrome educational materials the director is required to develop under division (B) of this section. The work group shall include at least one representative of each of the following: 56  
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(1) Child abuse prevention advocates; 61

(2) The staff of the "help me grow" program established pursuant to section 3701.61 of the Revised Code; 62  
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(3) Experts in the field of infant care, particularly in the area of infant calming methods; 64  
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(4) Maternity unit directors; 66

(5) Parenting skills educators; 67

(6) Child care facilities. 68

The work group may also include, at the director's discretion, representatives of other professions whose members 69  
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have practical experience regarding shaken baby syndrome and 71  
representatives of citizens' organizations whose members are 72  
knowledgeable about shaken baby syndrome. 73

Sec. 3701.64. (A) A copy of the shaken baby syndrome 74  
educational materials developed under section 3701.63 of the 75  
Revised Code shall be distributed in the following manner: 76

(1) By child birth educators and the staff of pediatric 77  
physicians' offices and obstetricians offices, to an expectant 78  
parent who uses their services; 79

(2) By the hospital or freestanding birthing center in which 80  
a child is born, to the child's parent before the child is 81  
discharged from the facility; 82

(3) By the staff of the "help me grow" program established 83  
pursuant to section 3701.61 of the Revised Code, to the child's 84  
parent during home-visiting services conducted in accordance with 85  
that section; 86

(4) By each child care facility operating in this state, to 87  
each of its employees. 88

(B) Each entity and person required to distribute educational 89  
materials pursuant to division (A) of this section is immune from 90  
any civil and criminal liability for injury, death, or loss to 91  
person or property resulting from the dissemination of, or failure 92  
to disseminate, those educational materials. 93

Sec. 5101.135. (A) A public children services employee who is 94  
entering a report of an investigation of child abuse in the 95  
statewide automated child welfare information system, as required 96  
by section 5101.13 of the Revised Code, shall make a notation on 97  
each case of child abuse that indicates whether the child abuse 98  
arose from an act that caused the child to suffer from, or 99  
resulted in the child suffering from, shaken baby syndrome. 100

(B) Beginning March 1, 2009, and each first day of March 101  
thereafter, the department of job and family services shall report 102  
to the director of health the number of reports of child abuse 103  
that arose from an act that caused the child to suffer from, or 104  
resulted in the child suffering from, shaken baby syndrome and 105  
that arose during the calendar year immediately preceding the 106  
calendar year in which the report is made, as determined by an 107  
examination of the statewide automated child welfare information 108  
system established and maintained under section 5101.13 of the 109  
Revised Code. 110

(C) As used in this section, "shaken baby syndrome" has the 111  
same meaning as in section 3701.63 of the Revised Code. 112