

As Passed by the Senate

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Am. S. B. No. 144

Senator Stivers

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

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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 home. 17
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(3) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code. 19
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(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 (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 46

an easily accessible format the educational materials developed 47
under division (B)(1) of this section; 48

(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) In meeting the requirements under division (B) of this 52
section, the director shall not develop educational materials that 53
will impose an administrative or financial burden on any of the 54
entities or persons listed in section 3701.64 of the Revised Code. 55

(D) The director of health shall appoint and convene a work 56
group to advise the director on the shaken baby syndrome 57
educational materials the director is required to develop under 58
division (B) of this section. The work group shall include at 59
least one representative of each of the following: 60

(1) Child abuse prevention advocates; 61

(2) The staff of the "help me grow" program established 62
pursuant to section 3701.61 of the Revised Code; 63

(3) Experts in the field of infant care, particularly in the 64
area of infant calming methods; 65

(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 69
discretion, representatives of other professions whose members 70
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