



# Ohio Legislative Service Commission

## Bill Analysis

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### **S.B. 276**

130th General Assembly  
(As Introduced)

**Sens.** Jones and Tavares

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## **BILL SUMMARY**

- Requires the Ohio Department of Health to establish the Safe Sleep Education Program, and specifies that it operate in a manner similar to the existing Shaken Baby Syndrome Education Program.
- Specifies that the facilities and locations required to participate in the Safe Sleep Education Program are immune from civil liability and criminal prosecution resulting from dissemination or failure to disseminate educational materials associated with the Program.
- Requires facilities and locations that must participate in the Safe Sleep Education Program and that have infants regularly sleeping at them to adopt an internal infant safe sleep policy.
- Requires hospitals and freestanding birthing centers to implement an infant safe sleep screening policy for the purpose of assessing whether an infant will have a safe crib, portable play yard, or other suitable place to sleep in once discharged from the facility following birth.
- Requires the Director of Health to adopt a model internal safe sleep policy and develop questions that facilities may use when implementing their infant safe sleep screening procedures.
- Makes technical and conforming changes to the statutes governing the Shaken Baby Syndrome Education Program, collectively known as "Claire's Law."

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## CONTENT AND OPERATION

### Safe Sleep Education Program

#### Administration

The bill requires the Ohio Department of Health (ODH) to establish the Safe Sleep Education Program.<sup>1</sup> The Program is to operate in a manner similar to the Shaken Baby Syndrome Education Program that ODH administers under current law with the modifications the bill makes to that Program.<sup>2</sup>

Under the Safe Sleep Education Program, ODH must do all of the following:<sup>3</sup>

--By not later than 60 days after the bill's effective date, develop educational materials that present readily comprehensible information on safe sleeping practices for infants and possible causes of sudden unexpected infant death;

--Make available on ODH's website in an easily accessible format the educational materials described above;

--Beginning in 2015, assess the effectiveness of the Program by evaluating reports submitted to ODH by child fatality review boards as required under current law.

Under the bill, the educational materials that ODH develops must minimize, to the extent possible, administrative or financial burdens on any of the entities or persons that are required to distribute the materials.<sup>4</sup> The materials must be distributed by entities and persons with and in the same manner as the Shaken Baby Syndrome materials are distributed. Specifically, the distribution must be made as follows:<sup>5</sup>

--By child birth educators and the staff of obstetricians' offices, to an expectant parent who uses their services;

--By the staff of pediatric physicians' offices, to an infant's parent, guardian, or other person responsible for the infant, including a foster caregiver, who uses their services;

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<sup>1</sup> R.C. 3701.66(B).

<sup>2</sup> R.C. 3701.66(C) and (D).

<sup>3</sup> R.C. 3701.66(B).

<sup>4</sup> R.C. 3701.66(C).

<sup>5</sup> R.C. 3701.66(D).



--By the hospital or freestanding birthing center in which an infant is born, to the infant's parent, guardian, or other person responsible for the infant, including a foster caregiver, before the infant is discharged from the facility;

--By the staff of the existing Help Me Grow program, to an infant's parent, guardian, or other person responsible for the infant, including a foster caregiver, during home-visiting services;<sup>6</sup>

--By each child care facility operating in Ohio, to each of its employees;

--By a public children services agency (PCSA), when the PCSA has initial contact with an infant's parent, guardian, or other person responsible for the infant, including a foster caregiver.

### **Civil and criminal immunity**

The bill specifies that each entity or person required to distribute the safe sleep educational materials is immune from civil liability and criminal prosecution for injury, death, or loss to person or property resulting from the dissemination of, or failure to disseminate, those educational materials.<sup>7</sup>

### **Internal infant safe sleep policy**

The bill requires each entity or person that must distribute the educational materials and has infants regularly sleeping at a facility or location under the entity's or person's control to adopt an internal infant safe sleep policy. The policy must specify when and to whom the educational materials are to be delivered to individuals working or volunteering at the facility or location and be consistent with the model internal safe sleep policy adopted by the ODH Director.<sup>8</sup>

### **Model internal safe sleep policy**

The bill requires the ODH Director to adopt a model internal infant safe sleep policy for use by entities and persons that must adopt an internal infant safe sleep policy. The policy must specify infant safe sleep practices, include images depicting safe

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<sup>6</sup> The Help Me Grow program is designed to ensure that Ohio's children receive a healthy birth and the resources to warrant a healthy and productive start in life. The program consists of three components: home visiting, early intervention, and infant hearing. (Ohio Department of Health, *Ohio Help Me Grow* (last visited February 18, 2014), available at <<http://www.helpmegrow.ohio.gov/aboutus/abouthelpmegrow.aspx>>.)

<sup>7</sup> R.C. 3701.66(D).

<sup>8</sup> R.C. 3701.66(D).

sleep infant sleep practices, and specify sample content for an infant safe sleep education program that entities and persons may use when conducting new staff orientations.<sup>9</sup>

## **Infant safe sleep screening procedure**

### **Implementation**

The bill requires each hospital and freestanding birthing center to implement an infant safe sleep screening procedure. The purpose of the procedure is to determine whether there will be a safe crib, portable play yard, or other suitable sleeping place for each infant born at the hospital or freestanding birthing center to sleep in once the infant is discharged from the facility following birth. The procedure must consist of questions that the facility's staff must ask the infant's parent, guardian, or other person having custody and control of the infant regarding the infant's intended sleeping place and environment. In meeting this requirement, the bill specifies that the facility may use questions the ODH Director must develop (see "**Model questions developed by ODH Director**," below).<sup>10</sup>

### **Safe crib, portable play yard, or other suitable sleeping place**

If a hospital or freestanding birthing center determines through its infant safe sleep screening procedure that an infant is unlikely to have a safe crib, portable play yard, or other suitable sleeping place at the infant's residence, the bill prohibits the facility from discharging the infant until it arranges for the parent, guardian, or other person having custody and control of the infant to leave the facility with one of those items at no charge to the individual. In meeting this requirement, the facility may collaborate with or obtain assistance from persons or government entities that are able to procure safe cribs, portable play yards, or other suitable sleeping places or provide money to purchase those items.<sup>11</sup>

### **Model questions developed by ODH Director**

The bill requires the ODH Director to develop questions that hospitals and freestanding birthing centers may use when implementing their infant safe sleep screening procedures. When developing the questions, the Director may consult with persons and government entities that have expertise in infant safe sleep practices.<sup>12</sup>

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<sup>9</sup> R.C. 3701.66(E).

<sup>10</sup> R.C. 3701.67(A).

<sup>11</sup> R.C. 3701.67(B).

<sup>12</sup> R.C. 3701.67(C).



## Shaken Baby Syndrome Education Program

The bill makes technical and conforming changes to the statutes governing the Shaken Baby Syndrome Education Program, known collectively as "Claire's Law." In particular, the bill:

--Requires the ODH Director to develop educational materials for the Program that, to the extent possible, minimize administrative or financial burdens on the entities and persons that must distribute the materials,<sup>13</sup> in contrast to current law, which prohibits the Director from developing educational materials that will impose an administrative or financial burden on the distributors;<sup>14</sup>

--Specifies that staff of a pediatrician's office, hospital, freestanding birthing center, or the Help Me Grow program may distribute the program's educational materials to an infant's guardian or other person responsible for the infant, including a foster caregiver, if that individual uses the facility's services in lieu of a parent;<sup>15</sup>

--Adds PCSAs to the list of entities and persons that must distribute the Program's educational materials, and specifies that PCSAs must distribute the materials when the PCSA has initial contact with an infant's parent, guardian, or other person responsible for the infant, including a foster caregiver;<sup>16</sup>

--Updates the definition of "maternity unit" to correspond with changes that were made by subsequent enactments.<sup>17</sup>

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## HISTORY

ACTION	DATE
Introduced	02-12-14

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<sup>13</sup> R.C. 3701.63(C).

<sup>14</sup> R.C. 3701.63(C).

<sup>15</sup> R.C. 3701.64(B)(2).

<sup>16</sup> R.C. 3701.64(B)(6).

<sup>17</sup> R.C. 3701.63(A)(6); see Sub. H.B. 331 of the 127th General Assembly.

