

Act No. 122  
Public Acts of 2014  
Approved by the Governor  
May 14, 2014  
Filed with the Secretary of State  
May 14, 2014  
EFFECTIVE DATE: August 12, 2014

**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2014**

Introduced by Rep. Haines

# ENROLLED HOUSE BILL No. 4962

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding part 58A.

*The People of the State of Michigan enact:*

## PART 58A

### INFANT DEATH DUE TO UNSAFE SLEEP EDUCATION AND PREVENTION

Sec. 5881. (1) This part may be referred to as the “infant safe sleep act”.

(2) For purposes of this part, the words and phrases defined in sections 5883 to 5884 have the meanings ascribed to them in those sections unless the context requires otherwise.

(3) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this act.

Sec. 5883. (1) “Health professional” means an individual licensed, registered, certified, or otherwise authorized to engage in a health profession under article 15.

(2) “Hospital” means a hospital licensed under article 17 that provides clinically related health services for obstetrical and infant care and includes a hospital operated by this state, a local governmental unit, or an agency. Hospital does not include an office used primarily for private or group practice by health professionals in which no reviewable, clinically related health services are offered.

(3) “Infant” means a child who is 12 months old or younger.

(4) “Infant death due to unsafe sleep” means infant death by suffocation, asphyxiation, or strangulation in a sleep environment.

Sec. 5884. (1) "Parent" means a natural parent, stepparent, adoptive parent, legal guardian, or legal custodian of an infant.

(2) "Parent acknowledgment statement" means the statement of a parent on a form described in section 5885(2).

Sec. 5885. (1) A hospital shall provide to parents readily understandable information and educational and instructional materials regarding infant safe sleep practices. The materials described in this subsection must explain the risk factors associated with infant death due to unsafe sleep practices and emphasize infant safe sleep practices.

(2) A hospital shall prescribe the form of a parent acknowledgment statement. The form must include a place for a parent to sign, acknowledging that the parent has received the educational and instructional materials provided on the risk factors associated with infant death due to unsafe sleep practices and infant safe sleep practices.

(3) For a birth that occurs in a setting other than a hospital, the health professional in charge at the birth of an infant, or if none the health professional in charge of the care of an infant, shall provide the materials described in subsection (1) to a parent after the birth of an infant.

(4) To comply with this section, a hospital or health professional subject to this section may use educational and instructional materials provided by the department under subsection (5) or may use educational and instructional materials of its choice that are consistent with the materials provided by the department under subsection (5).

(5) Upon the request of a hospital or health professional subject to this section, the department shall provide, at no cost, to the hospital or health professional, educational and instructional materials described in section 5887(c).

Sec. 5886. (1) After receipt of the materials under section 5885, a parent may sign the parent acknowledgment statement. The hospital or health professional, as applicable, shall place the signed parent acknowledgment statement in the infant's permanent medical record. The hospital or health professional, as applicable, shall provide a copy of the signed parent acknowledgment statement to the parent who signed the statement.

(2) A hospital or health professional that complies with this part is not criminally or civilly liable for the action or inaction of a parent with regard to infant safe sleep practices pursuant to materials given to the parent under section 5885.

Sec. 5887. The department and the department of human services shall collaborate to do all of the following:

(a) Work to improve community-based services available to inform parents regarding the risk factors associated with infant death due to unsafe sleep practices and infant safe sleep practices.

(b) Work with other state and local governmental agencies, community organizations, health care and human service providers, and national organizations to coordinate efforts and maximize state and private resources in education regarding the risk factors associated with infant death due to unsafe sleep practices and infant safe sleep practices.

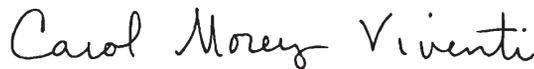
(c) Provide educational and instructional materials that explain the risk factors associated with infant death due to unsafe sleep practices, that include methods to reduce the risk of infant death due to unsafe sleep, and that emphasize infant safe sleep practices.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor