

Legislative Analysis



INFANT SAFE SLEEP ACT

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House Bill 4962 (Reported from committee as Substitute H-2)

Sponsor: Rep. Gail Haines

Committee: Health Policy

First Analysis (11-6-13)

BRIEF SUMMARY: In brief, the bill would create the "Infant Safe Sleep Act" to do the following:

- Require the distribution of understandable information and educational and instructional materials regarding infant safe sleep practices to new parents.
- Require a parent to sign an acknowledgement form stating that he/she has received, read, and has an understanding of the materials.
- Place certain responsibilities regarding the distribution of materials and filing of signed parental acknowledgement forms with hospitals or health professionals.
- Extend immunity from criminal and civil liability to hospitals or health professionals who comply with the bill.
- Define terms, including "infant death due to unsafe sleep."
- Establish an effective date 90 days after the bill is enacted into law.

FISCAL IMPACT: Statutory requirements under House Bill 4962 may have modest cost implications for the Department of Community Health (DCH). The Department has been active in safe sleep initiatives over the past decade, including activities required in the bill: education, public awareness, information materials, and inter-agency collaboration. There may be costs to public hospitals and health agencies related to the required providing of materials to new parents, and retention of signed parent acknowledgment statements. The number of births was just under 114,200 in 2011 in Michigan.

THE APPARENT PROBLEM:

According to committee testimony, last year, 144 Michigan infants died because their parents or caregivers did not know or did not practice infant safe sleep practices. Practices as simple as putting babies on their backs instead of their stomachs or sides can make the difference between life and death for some infants. Many adults are unaware that any soft surface such as a soft mattress, towel, or sofa cushion can put baby at risk of suffocation or asphyxiation. A stuffed toy tossed in a crib can be as deadly as a plastic bag. Some believe that increased education about the dangers of unsafe sleep practices for infants directed at parents shortly after birth may go a long way in stopping these preventable deaths.

THE CONTENT OF THE BILL:

House Bill 4962 would amend the Public Health Code to create Part 58A, entitled "Infant Death Due to Unsafe Sleep Education and Prevention," which may also be referred to as the Infant Safe Sleep Act. The primary thrust of the bill would be two-fold: (1) to require the Departments of Community Health and Human Services to improve services relating to informing parents regarding the risk factors associated with infant death due to unsafe sleep practices, and (2) to require new parents to read and understand materials provided to them when their child is born and acknowledge that fact in writing.

"Infant death due to unsafe sleep" would mean infant death by suffocation, asphyxiation, or strangulation in a sleep environment. "Infant" would mean a child 12 months old or younger.

A "newborn" is a child under 30 days old. An "infant" is a child younger than 24 months old (who is not a newborn).

Departmental responsibilities

DCH and DHS responsibilities regarding the program would include collaborating to:

- 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.
- 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.
- 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. DCH would have to provide these materials to a hospital or health professional, upon request, at no cost.

Responsibilities of hospitals & health professionals

A hospital must provide to parents readily understandable information and education and instructional materials to a parent after the birth of an infant. If the birth occurs in a setting outside of a hospital, the health professional in charge at the birth of an infant (or, if none, the health care professional in charge of the care of the infant) must provide the materials to the parents. To comply with this requirement, a hospital or health professional could use materials provided by DCH or of its own choice as long as the materials were consistent with those provided by DCH.

A hospital would have to prescribe the form of a parent acknowledgment statement, including a place for a parent to sign the statement acknowledging that he or she has received, read, and has an understanding of the materials.

Parent signature on statement; statement part of medical record

After receiving the safe sleep materials, a parent would be required to sign the parent acknowledgement statement. The hospital or health professional, as applicable, must place the signed statement in the infant's permanent medical record and also provide a copy to the parent who signed the statement.

Immunity provision

A hospital or health professional who complied with the provisions of Part 58A would not be criminally or civilly liable for the action or inaction of a parent with regard to infant safe sleep practices as detailed in the materials given to the parent.

BACKGROUND INFORMATION:

Information about infant safe sleep practices, including several videos on how to put an infant to bed safely, can be found online at the Michigan Department of Human Services website at www.michigan.gov/dhs and typing "safe sleep" into the search box.

ARGUMENTS:

For:

Approximately 150 Michigan babies die each year. According to statistics compiled by the Michigan Department of Human Services, more than twice as many infants die from unsafe sleep practices than die each year from vehicle crashes, drowning, house fires, electrocutions, falls, accidental poisoning, infectious diseases, cancer, and other diseases COMBINED.

Many of these deaths are considered to have been preventable if parents and caregivers had employed infant safe sleep practices. The bill aims at saving lives by getting informational materials to parents at the time their baby is born, whether the birth is in a hospital, at home, or in a birthing center. A parent would have to review the materials and sign an acknowledgement form stating that they read and understand the materials.

Proponents of the bill say that no parent should ever have to experience the grief of finding their child dead in the morning or after a nap, made worse by the realization that the pretty quilt or cute stuffed bunny placed in the crib, or tucking the baby into bed next to them, was the cause.

POSITIONS:

First Lady Sue Snyder testified in support of the bill. (9-17-13)

Representatives of the Departments of Community Health and of Human Services testified in support of the bill. (9-17-13)

A representative of Tomorrow's Child testified in support of the bill. (9-17-13)

A representative of the Michigan Council for Maternal & Child Health testified in support of the bill. (9-17-13)

The Michigan Department of Education indicated support for the bill. (9-17-13)

The Michigan Academy of Pediatrics indicated a neutral position on the bill. (9-17-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.